



Sonoma County Sheriff's Office Immigration Notification Matrix

Name: _____ D-File: _____

An Immigration Notification request has been received for the above individual. Review the following conditions to determine whether United States Immigration and Customs Enforcement will be notified.

I. Category I – Felony Conviction or Sex/Arson Registrant

Convicted of a serious or violent felony identified in Penal Code Section 1192.7(c) or Section 667.5(c). (Cal Government Code § 7282.5). ****Refer to Attachments A and C.***

Charges: _____ Conviction Date: _____

Convicted of a Felony punishable by imprisonment in the state prison. ****Refer to Attachments A and C.***

Is the offense a felony punishable by imprisonment in the state prison to date?

❖ *If Yes, ICE will be notified*

❖ *If No, stop and determine if the conviction falls under another category eligible for notification.*

Charges: _____ Conviction Date: _____

Currently registered on the California Sex and Arson Registry. ****Refer to Attachment A.***

Charges: _____ Conviction Date: _____ Registration Date: _____

Identified by ICE as the subject of an outstanding federal felony arrest warrant. ****Refer to Attachment A.***

Charges: _____ Arrest Warrant Date: _____

II. Category II – Felony Wobbler Conviction

Convicted *within the last 15 years* of a felony. (Cal Government Code Section 7282.5). ***Refer to Attachment B.**

Is the offense a felony to date?

❖ *If Yes, ICE will be notified*

❖ *If No, stop and determine if the conviction falls under another category eligible for notification.*

Charges: _____ Conviction Date: _____

First Review:

ICE will be notified

ICE will NOT be notified

Reviewing staff: _____ ID Number _____

Signature: _____ Date _____

Final Review:

ICE will be notified

ICE will not be notified

Reviewing staff: _____ ID Number _____

Signature: _____ Date _____

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Attachment A: Reportable Felony Convictions

Pursuant to Cal. Government Code Sections 7282.5 and 7284.6, Immigration and Customs Enforcement (ICE) shall only be notified about an inmate's release from custody under the following circumstances:

- **The inmate has been convicted of a serious or violent felony identified in Penal Code Section 1192.7(c) or Section 667.5(c).** [See reference codes below]
- **The inmate has been convicted of a felony punishable by imprisonment in the state prison, and the offense is still a felony punishable by imprisonment in state prison to date.**
- **The inmate is a current registrant on the California Sex and/or Arson Registry.**
- **The inmate is identified by ICE as the subject of an outstanding federal felony arrest warrant.**

CHECK Attachment C: felonies listed in Attachment C below are not reportable. Staff must check Attachment C to determine if the inmate's conviction is exempt from ICE notification.

❖ Penal Code Section 1192.7(c)

As used in this section, "serious felony" means any of the following:

- (1) Murder or voluntary manslaughter;
- (2) mayhem;
- (3) rape;
- (4) sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
- (5) oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
- (6) lewd or lascivious act on a child under 14 years of age;
- (7) any felony punishable by death or imprisonment in the state prison for life;
- (8) any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm;
- (9) attempted murder;
- (10) assault with intent to commit rape or robbery;
- (11) assault with a deadly weapon or instrument on a peace officer;
- (12) assault by a life prisoner on a non-inmate;
- (13) assault with a deadly weapon by an inmate;
- (14) arson;
- (15) exploding a destructive device or any explosive with intent to injure;
- (16) exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem;

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- (17) exploding a destructive device or any explosive with intent to murder;
- (18) any burglary of the first degree;
- (19) robbery or bank robbery;
- (20) kidnapping;
- (21) holding of a hostage by a person confined in a state prison;
- (22) attempt to commit a felony punishable by death or imprisonment in the state prison for life;
- (23) any felony in which the defendant personally used a dangerous or deadly weapon;
- (24) selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code;
- (25) any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person;
- (26) grand theft involving a firearm;
- (27) carjacking;
- (28) any felony offense, which would also constitute a felony violation of Section 186.22;
- (29) assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220;
- (30) throwing acid or flammable substances, in violation of Section 244;
- (31) assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245;
- (32) assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Section 245.2, 245.3, or 245.5;
- (33) discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246;
- (34) commission of rape or sexual penetration in concert with another person, in violation of Section 264.1;
- (35) continuous sexual abuse of a child, in violation of Section 288.5;
- (36) shooting from a vehicle, in violation of subdivision (c) or (d) of Section 26100;
- (37) intimidation of victims or witnesses, in violation of Section 136.1;
- (38) criminal threats, in violation of Section 422;
- (39) any attempt to commit a crime listed in this subdivision other than an assault;
- (40) any violation of Section 12022.53;
- (41) a violation of subdivision (b) or (c) of Section 11418; and
- (42) any conspiracy to commit an offense described in this subdivision.

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❖ **Penal Code 667.5(c)**

For the purpose of this section, “violent felony” shall mean any of the following:

- (1) Murder or voluntary manslaughter.
- (2) Mayhem.
- (3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.
- (4) Sodomy as defined in subdivision (c) or (d) of Section 286.
- (5) Oral copulation as defined in subdivision (c) or (d) of Section 288a.
- (6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288.
- (7) Any felony punishable by death or imprisonment in the state prison for life.
- (8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55.
- (9) Any robbery.
- (10) Arson, in violation of subdivision (a) or (b) of Section 451.
- (11) Sexual penetration as defined in subdivision (a) or (j) of Section 289.
- (12) Attempted murder.
- (13) A violation of Section 18745, 18750, or 18755.
- (14) Kidnapping.
- (15) Assault with the intent to commit a specified felony, in violation of Section 220.
- (16) Continuous sexual abuse of a child, in violation of Section 288.5.
- (17) Carjacking, as defined in subdivision (a) of Section 215.
- (18) Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1.
- (19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22.
- (20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22.
- (21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.
- (22) Any violation of Section 12022.53.
- (23) A violation of subdivision (b) or (c) of Section 11418. The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence to display society’s condemnation for these extraordinary crimes of violence against the person.

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Attachment B: Reportable Wobbler Convictions

Pursuant to Cal. Government Code Sections 7282.5 and 7284.6, Immigration and Customs Enforcement (ICE) shall only be notified about an inmate's release from custody under the following circumstances:

- **Convicted within the last 15 years of a felony for any of the following offenses, and the offense is still a felony to date:**

CHECK Attachment C: wobbler offenses listed in Attachment C below are not reportable.

The **Highlighted code sections below appear in Attachment C and may be not reportable. Staff must check Attachment C and the relevant code section to determine if the inmate's conviction is exempt from ICE notification. Proposition 36 charges are not reportable and appear on the exceptions list.*

❖ Government Code 7282.5(a)(3)

ICE shall only be notified about an inmate's release from custody if the individual has been convicted within the last 15 years of a felony for, any of the following offenses:

- (A) Assault, as specified in, but not limited to, Sections 217.1, 220, 241.1, 241.4, **241.7**, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.
- (B) Battery, as specified in, but not limited to, Sections 243.1, **243.3**, 243.4, 243.6, **243.7**, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.
- (C) Use of threats, as specified in, but not limited to, Sections **71, 76, 139, 140**, 422, **601**, and **11418.5** of the Penal Code.
- (D) Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d, 266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.
- (E) Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273d, 273.4, and 278 of the Penal Code.
- (F) Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, **459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550** of the Penal Code.
- (G) Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.
- (H) Obstruction of justice, as specified in, but not limited to, Sections 69, **95, 95.1, 136.1, and 148.10** of the Penal Code.
- (I) **Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.**
- (J) **Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.**
- (K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as

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specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.

- (L) Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 (commencing with Section 16000) of the Penal Code).
- (M) An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.
- (N) Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.
- (O) Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.
- (P) An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.
- (Q) A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and 12022.9 of, the Penal Code.
- (R) Possession or use of a firearm in the commission of an offense.
- (S) An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.
- (T) False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.
- (U) Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.
- (V) Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.
- (W) A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 405a, 451, and 11413 of the Penal Code.
- (X) Elder and dependent adult abuse, as specified in, but not limited to, Section 368 of the Penal Code.
- (Y) A hate crime, as specified in, but not limited to, Section 422.55 of the Penal Code.
- (Z) Stalking, as specified in, but not limited to, Section 646.9 of the Penal Code.
- (AA) Soliciting the commission of a crime, as specified in, but not limited to, subdivision (c) of Section 286 of, and Sections 653j and 653.23 of, the Penal Code.
- (AB) An offense committed while on bail or released on his or her own recognizance, as specified in, but not limited to, Section 12022.1 of the Penal Code.
- (AC) Rape, sodomy, oral copulation, or sexual penetration, as specified in, but not limited to, paragraphs (2) and (6) of subdivision (a) of Section 261 of, paragraphs (1) and (4) of subdivision (a) of Section 262 of, Section 264.1 of, subdivisions (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal Code.
- (AD) Kidnapping, as specified in, but not limited to, Sections 207, 209, and 209.5 of the Penal Code.
- (AE) A violation of subdivision (c) of Section 20001 of the Vehicle Code.

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Attachment C: Non-Reportable Felonies

Pursuant to Cal. Government Code 7282.5(a)(6), ICE shall not be notified about an inmate's release from custody if the inmate was arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as either misdemeanors or felonies, prior to passage of the Safe Neighborhoods and Schools Act of 2014 as it amended the Penal Code.

❖ List of non-reportable offenses – amended charges:

| | | |
|----------|----|--------------------------------------|
| 459 | PC | Burglary |
| 460(b) | PC | Burglary in the Second Degree |
| 487 | PC | Grand Theft |
| 473 | PC | Forgery |
| 476a | PC | Forgery |
| 490 | PC | Petty Theft |
| 496 | PC | Receiving Stolen Property |
| 666 | PC | Petty Theft with Priors |
| 11350 | HS | Possession of a Controlled Substance |
| 11357(a) | HS | Possession of Concentrated Cannabis |
| 11377 | HS | Possession of Methamphetamine |

❖ List of non-reportable felonies:

| | | |
|----------|----|--|
| 594 | PC | Vandalism |
| 10851 | VC | Vehicle Theft |
| 453 | PC | Arson (Once inmate has been ordered to register as an arson offender this charge switches to a qualifying offense) |
| 118 | PC | Perjury |
| 529 | PC | False Personation |
| 32310(a) | PC | Possession, Manufacture, Import, Sale, Gift, Loan, Purchase or Receipt of a Large-Capacity Magazine |
| 25189.5 | HS | Illegal Disposal of Hazardous Waste |
| 25189.6 | HS | Reckless Transportation, Handling, Transportation, Disposal or Storage of Hazardous Waste |
| 261.5 | PC | Statutory Rape |
| 597 | PC | Animal Cruelty |
| 23104 | VC | Reckless Driving Causing Bodily Injury |

❖ List of Proposition 36, non-reportable felonies:

| | | |
|----------|----|---|
| 11395 | HS | Treatment- Mandated |
| 666.1 | PC | Petty theft with priors |
| 11369 | HS | Requires a court to warn convicted hard drug dealers that they can be charged with murder if they traffic in hard drugs, and someone dies as a result |
| 11370.1 | HS | Adds Fentanyl to the existing law |
| 11370.4 | HS | Trafficking fentanyl in high quantities |
| 12022(c) | PC | Drug dealers must be sentenced to state prison instead of county jail. |
| 12022.7 | PC | Great bodily injury enhancement |

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| 490.3 | PC | Permits aggregating the value of property or merchandise stolen during multiple thefts to meet the felony \$950 threshold. |
| 12022.6 | PC | Increased punishment for taking or damaging property worth more than \$50,000 |
| 12022.65 | PC | Enhancement for acting in concert with two or more persons to take, damage, or destroy property in commission or attempted commission of a felony |

❖ List of non-reportable felony wobbler offenses, qualifying convictions sentenced to state prison are notifiable under Category I:

| | | |
|---------|----|---|
| 241.7 | PC | Assault |
| 243.3 | PC | Battery |
| 243.7 | PC | Battery |
| 71 | PC | Use of threats |
| 76 | PC | Use of threats |
| 139 | PC | Use of threats |
| 140 | PC | Use of threats |
| 601 | PC | Use of threats |
| 11418.5 | PC | Use of threats |
| 459 | PC | Burglary, robbery, theft, fraud, forgery, or embezzlement |
| 463 | PC | Burglary, robbery, theft, fraud, forgery, or embezzlement |
| 470 | PC | Burglary, robbery, theft, fraud, forgery, or embezzlement |
| 476 | PC | Burglary, robbery, theft, fraud, forgery, or embezzlement |
| 487 | PC | Burglary, robbery, theft, fraud, forgery, or embezzlement |
| 496 | PC | Burglary, robbery, theft, fraud, forgery, or embezzlement |
| 503 | PC | Burglary, robbery, theft, fraud, forgery, or embezzlement |
| 518 | PC | Burglary, robbery, theft, fraud, forgery, or embezzlement |
| 530.5 | PC | Burglary, robbery, theft, fraud, forgery, or embezzlement |
| 532 | PC | Burglary, robbery, theft, fraud, forgery, or embezzlement |
| 550 | PC | Burglary, robbery, theft, fraud, forgery, or embezzlement |
| 95 | PC | Obstruction of justice |
| 95.1 | PC | Obstruction of justice |
| 136.1 | PC | Obstruction of justice |
| 148.10 | PC | Obstruction of justice |
| 67 | PC | Bribery |
| 67.5 | PC | Bribery |
| 68 | PC | Bribery |
| 85 | PC | Bribery |
| 86 | PC | Bribery |
| 85 | PC | Bribery |
| 86 | PC | Bribery |
| 92 | PC | Bribery |
| 93 | PC | Bribery |
| 137 | PC | Bribery |
| 138 | PC | Bribery |
| 165 | PC | Bribery |
| 107 | PC | Escape |
| 109 | PC | Escape |
| 110 | PC | Escape |
| 4530 | PC | Escape |
| 4530.5 | PC | Escape |

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| 4532 | PC | Escape |
| 4533 | PC | Escape |
| 4534 | PC | Escape |
| 4535 | PC | Escape |
| 4536 | PC | Escape |
| 417 | PC | Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction. |
| 594.7 | PC | Vandalism with prior convictions |
| 186.22 | PC | Gang-related offenses |
| 186.26 | PC | Gang-related offenses |
| 186.28 | PC | Gang-related offenses |
| 182 | PC | An attempt, as defined in Section 664, or a conspiracy. |
| 186.2 | PC | Criminal profiteering and money laundering |
| 186.9 | PC | Criminal profiteering and money laundering |
| 186.10 | PC | Criminal profiteering and money laundering |
| 219 | PC | A crime threatening the public safety |
| 219.1 | PC | A crime threatening the public safety |
| 219.2 | PC | A crime threatening the public safety |
| 247.5 | PC | A crime threatening the public safety |
| 404 | PC | A crime threatening the public safety |
| 405a | PC | A crime threatening the public safety |
| 451 | PC | A crime threatening the public safety |
| 11413 | PC | A crime threatening the public safety |
| 422.55 | PC | A hate crime |
| 646.9 | PC | Stalking |
| 286 | PC | Soliciting the commission of a crime |
| 653j | PC | Soliciting the commission of a crime |
| 653.23 | PC | Soliciting the commission of a crime |
| 12022.1 | PC | An offense committed while on bail or released on his or her own recognizance |
| 20001(c) | VC | Violation |

❖ Enhancements:

Enhancements are not convictions and cannot be the sole basis for notification. An underlying charge must qualify.