

**CALIFORNIA STATE LAW CORRELATION:**

**CLERY ACT DEFINITIONS**

*Defined by the Uniform Crime Reporting Handbook  
Sex Offenses Defined by the National Incident-Based Reporting System Edition of the Uniform Crime Reporting  
Program*

**AND**

**CALIFORNIA STATE CODE PROVISIONS THAT ENCOMPASS EACH SUCH CRIME**

***Murder/Non-Negligent Manslaughter:*** the willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, suicides, accidental deaths, and justifiable homicides are excluded. Also not included are attempts to murder or assault to murder, which are scored as aggravated assaults.

**CALIFORNIA PENAL CODE SECTIONS:**

§187 HOMICIDE

§191.5 GROSS VEHICULAR MANSLAUGHTER WHILE INTOXICATED

§192(a)(b) MANSLAUGHTER (a) VOLUNTARY (b) INVOLUNTARY

§193.5 MANSLAUGHTER COMMITTED DURING OPERATION OF VESSEL

***Negligent Manslaughter:*** the killing of another person through gross negligence.

**CALIFORNIA PENAL CODE SECTIONS:**

§192.5 VEHICULAR MANSLAUGHTER

***Robbery:*** the taking or attempting to take anything from value of the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**CALIFORNIA PENAL CODE SECTIONS:**

§211 ROBBERY

§212.5 FIRST DEGREE ROBBERY; SECOND DEGREE ROBBERY

§214 TRAIN ROBBERY

§215 CAR JACKING

***Aggravated Assault:*** an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

**CALIFORNIA PENAL CODE SECTIONS:**

§203 MAYHEM

§205 AGGRAVATED MAYHEM

§206 TORTURE

§217.1 ASSAULT OR ATTEMPTED MURDER UPON GOVERNMENTAL OFFICERS

§220 ASSAULT WITH INTENT TO COMMIT MAYHEM OR SPECIFIED SEX OFFENSES

§244 ASSAULT WITH CAUSTIC CHEMICALS

§244.5 ASSAULT WITH STUN GUN OR TASER

§245 ASSAULT WITH DEADLY WEAPON OR BY FORCE LIKELY TO PRODUCE GREAT BODILY INJURY

§245.2 ASSAULT WITH DEADLY WEAPON AGAINST TRANSPORTATION WORKER OR PASSENGER

§245.3 ASSAULT UPON CUSTODIAL OFFICER WITH DEADLY WEAPON OR BY MEANS LIKELY TO PRODUCE GREAT BODILY INJURY

§245.5 ASSAULTS WITH DEADLY WEAPONS ON SCHOOL EMPLOYEES

§246 DISCHARGE OF FIREARM AT INHABITED DWELLING HOUSE OR OCCUPIED BUILDING, VEHICLE, OR AIRCRAFT

§273.5 INFLECTION OF INJURY ON SPOUSE, COHABITEE OR PARENT OF CHILD

§273a. ENDANGERING CHILD OR CAUSING OR PERMITTING CHILD TO SUFFER PHYSICAL PAIN, OR INJURY

§273ab ASSAULT RESULTING IN DEATH OF CHILD UNDER EIGHT YEARS OF AGE

§273d INFLECTION OF CORPORAL PUNISHMENT OR INJURY ON CHILD RESULTING IN TRAUMATIC CONDITION

***Burglary:*** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**CALIFORNIA PENAL CODE SECTIONS:**

§459 BURGLARY

§463 LOOTING (BURGLARY DURING STATE OF EMERGENCY)

§464 USE OF BURNING DEVICE OR EXPLOSIVE FOR SAFECRACKING

***Motor Vehicle Theft:*** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned - including joy riding)

§§ 10851 **CALIFORNIA VEHICLE CODE:** THEFT AND UNLAWFUL TAKING OR DRIVE OF A VEHICLE

***Arson:*** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

**CALIFORNIA PENAL CODE SECTIONS:**

§451 ARSON

§451.5 AGGRAVATED ARSON

§452 UNLAWFULLY CAUSING A FIRE

§453 POSSESSION OF FLAMMABLE OR EXPLOSIVE MATERIALS; MANUFACTURE OF FIREBOMBS

§454 VIOLATION DURING STATE OF INSURRECTION OR EMERGENCY

§455 ATTEMPTS; COMMISSION OF PRELIMINARY ACTS

***SEX OFFENSES- FORCIBLE***

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

**CALIFORNIA PENAL CODE SECTIONS:**

§220 ASSAULT W/ INTENT TO COMMIT §261, §262, §264, §288, §289 ETC.

***A. Forcible Rape***

The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

**CALIFORNIA PENAL CODE SECTIONS:**

§261 RAPE                      §262 SPOUSAL RAPE

***B. Forcible Sodomy***

Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**CALIFORNIA PENAL CODE SECTIONS:**

§286 SODOMY                      §288(a) ORAL COPULATION

***C. Sexual Assault With An Object***

The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**CALIFORNIA PENAL CODE SECTIONS:**

§289 PENETRATION BY FOREIGN OBJECT

***D. Forcible Fondling***

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

**CALIFORNIA PENAL CODE SECTIONS:**

§ 288 LEWD OR LASCIVIOUS ACTS INVOLVING CHILDREN  
§288.5 CONTINUOUS SEXUAL ABUSE OF CHILD  
§243.4 SEXUAL BATTERY  
§266(c) INDUCING CONSENT TO SEXUAL ACT BY FRAUD OR FEAR

***Sex Offenses – Non-forcible*** *Unlawful, non-forcible sexual intercourse.*

***A. Incest*** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**CALIFORNIA PENAL CODE SECTIONS:**

§ 285 INCEST

***B. Statutory Rape*** Non-forcible (consensual) sexual intercourse with a person who is under the statutory age of consent.

**CALIFORNIA PENAL CODE SECTIONS:**

§ 261.5 UNLAWFUL SEXUAL INTERCOURSE WITH A MINOR

***Weapon Law Violations:*** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

**CALIFORNIA PENAL CODE SECTIONS:**

§171b UNAUTHORIZED POSSESSION OF WEAPONS IN STATE OR LOCAL PUBLIC BUILDING OR AT PUBLIC MEETING

§186.28 FIREARMS; SUPPLY, SELL OR GIVE POSSESSION

§244.5 STUN GUN OR TASER; ASSAULT

§245 ASSAULT WITH DEADLY WEAPON OR BY FORCE LIKELY TO PRODUCE GREAT BODILY INJURY

§245.2 ASSAULT WITH DEADLY WEAPON AGAINST TRANSPORTATION WORKER OR PASSENGER

§245.3 ASSAULT UPON CUSTODIAL OFFICER WITH DEADLY WEAPON OR BY MEANS LIKELY TO PRODUCE GREAT BODILY INJURY

§245.5 ASSAULTS WITH DEADLY WEAPONS ON SCHOOL EMPLOYEES

§246 DISCHARGE OF FIREARM AT INHABITED DWELLING HOUSE OR OCCUPIED BUILDING, VEHICLE, OR AIRCRAFT

§246.3 DISCHARGING FIREARM IN GROSSLY NEGLIGENT MANNER

§626.9(h) GUN-FREE SCHOOL ZONE ACT – BRINGING OR POSSESSING A LOADED FIREARM UPON THE GROUNDS OF A CAMPUS OF OR BUILDINGS OWNED OR OPERATED FOR STUDENT “HOUSING”, TEACHING, RESEARCH, OR ADMINISTRATION BY A PUBLIC OR PRIVATE UNIVERSITY OR COLLEGE.

§626.10(c) BRINGING OR POSSESSING WEAPONS ON SCHOOL GROUNDS; HAVING A BLADE LONGER THAN 2½ INCHES OR A RAZOR WITH AN UNGUARDED BLADE, DIRK, DAGGER, ICE PICK, FOLDING KNIFE WITH A BLADE THAT LOCKS INTO PLACE, A TASER, OR STUN GUN UPON THE GROUND OF, OR WITHIN, A STATE UNIVERSITY OR COMMUNITY COLLEGE OR THE UNIVERSITY OF CALIFORNIA

§653(h) SWITCH-BLADE KNIFE HAVING BLADE LONGER THAN TWO INCHES; POSSESSION IN MOTOR VEHICLE; CARRYING; SALE OR DISPOSITION

§12001.1 UNDETECTABLE KNIVES; COMMERCIAL MANUFACTURE, IMPORT FOR COMMERCIAL SALE, OR OFFERS FOR COMMERCIAL SALE

§12001.5 MANUFACTURE, SALE OR POSSESSION OF SHORT-BARRELED SHOTGUN OR SHORT-BARRELED RIFLE

**CALIFORNIA PENAL CODE:**

**TITLE 2 CONTROL OF DEADLY WEAPONS – REFER TO THE FOLLOWING**

CHAPTER 1. FIREARMS §12000

CHAPTER 1.3 UNSAFE HANDGUNS §12125

CHAPTER 2 MACHINE GUNS §12200

CHAPTER 2.3 ROBERTI-ROOS ASSAULT WEAPONS CONTROL ACT OF 1989 §12275

CHAPTER 2.5 DESTRUCTIVE DEVICES §12301

CHAPTER 2.6 AMMUNITION §12320

CHAPTER 3.2 BOOBY TRAPS §12355

CHAPTER 4 TEAR GAS WEAPONS §12400

CHAPTER 5 FIREARM DEVICES §12500

CHAPTER 6 MISCELLANEOUS §12550

**CITY OF DAVIS MUNICIPAL CODE:**

Article 26.02 WEAPONS §26.02.010 - §26.02.060

**SACRAMENTO CITY CODE:**

Chapter 9.32 WEAPONS AND EXPLOSIVES §9.32.010 - §9.32.170

***Liquor Law Violations:*** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkness and driving under the influence are not included in this definition.)

**CALIFORNIA PENALCODE:**

§172a INTOXICATING LIQUORS; SALE NEAR UNIVERSITY

§307 CANDY, CAKE, COOKIE OR CHEWING GUM CONTAINING ALCOHOL; SALE TO PERSON UNDER 21 YEARS OF AGE

**CALIFORNIA VEHICLE CODE:**

§23223 POSSESSION OF OPENED CONTAINER IN A MOTOR VEHICLE

§23224 POSSESSION OF ALCOHOLIC BEVERAGE IN VEHICLE; PERSONS UNDER 21

§23225 STORAGE OF OPENED CONTAINER

**CALIFORNIA BUSINESS AND PROFESSIONS CODE:**

ALCOHOLIC BEVERAGE CONTROL ACT

§25602 (a) Selling, Furnishing, Giving or causing to be sold, furnished, or given away, any alcoholic beverage to any habitual or common drunkard or to any obviously intoxicated person

§25604 Maintaining clubroom where alcohol is received kept or brought for consumption without a license.

§25605 No "offsale" licensee shall deliver orders received by phone

§25606 Unlawful to use automobile or vehicle to conceal, convey, carry, or transport alcoholic beverages which are subject to seizure under this division

§25607 Unlawful for any person or licensee to have upon any premises for which a license has been issued any alcoholic beverages other than the alcoholic beverage, which the licensee is, authorized to sell

§25608 (a,b,c,d,e,f,g,h,i,j) Unlawful to possess, consume, sell give or deliver to any other person, any alcoholic beverage in or on any public schoolhouse or any of the grounds thereof

§25620 Unlawful to possess any can, bottle, or other receptacle containing any alcoholic beverage which has been opened, or a seal, broken, or the contents of which has been partially removed, in any city, county, or city and county owned park or other adjacent city, county, or city and county owned public place, or any recreation and park district, or any regional park or open-space district shall be guilty of an infraction if the city, county, or city and county has enacted an ordinance which prohibits the consumption of alcoholic beverages in such areas.

§25658. (a) Unlawful to sell, furnish, give, or cause to be sold, furnished, or given away, any alcoholic beverage to any person under the age of 21 years.

(b) Any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises, is guilty of a misdemeanor.

(c) Any person who violates subdivision (a) by purchasing an alcoholic beverage, or any person under the age of 21 years and the person under the age of 21 years thereafter consumes the alcohol and thereby proximately causes great bodily injury or death to himself, herself, or any other person, is guilty of a misdemeanor.

(d) Any on-sale licensee who knowingly permits a person under the age of 21 years to consume any alcoholic beverage in the on-sale premises, whether or not the licensee has the knowledge that the person is under the age of 21 years, is guilty of a misdemeanor.

§25658.5. Any person under the age of 21 who attempts to purchase any alcoholic beverage from a licensee, or the licensee's agent or employee, is guilty of an infraction

§25660.5. Any person who sells, gives, or furnishes to any person under the age of 21 years any false or fraudulent written, printed, or photo static evidence of the majority and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of majority and identification of any other person is guilty of a misdemeanor.

§25661. Any person under the age of 21 years who presents or offers to any licensee, his or her agent or employee, any written, printed, or photo static evidence of age and identity which is false, fraudulent or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his or her possession any false or fraudulent written, printed, or photo static evidence of age and identity, is guilty of a misdemeanor

§25662. (a) Any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor

**CITY OF DAVIS MUNICIPAL CODE:**

***Article 22.01 IN GENERAL***

§22.01.120 PERSON UNDER INFLUCENCE OF ALCOHOLIC LIQUOR OR NARCOTICS IN OR ABOUT VEHICLES

***Article 27.03 OPEN SPACE AREAS***

§27.03.020 ALCOHOL

**SACRAMENTO CITY CODE:**

***Chapter 9.04 OFFENSES AGAINST PUBLIC PEACE AND DECENCY***

§9.04.050 INTOXICATING BEVERAGES—CONSUMPTION ON PUBLIC STREETS, ETC., AND ON LIQUOR STORE PARKING LOTS AND ADJACENT LAND UNLAWFUL

***Drug Abuse Violations:*** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**CALIFORNIA PENAL CODE:**

§222 ADMINISTERING STUPEFYING DRUGS TO ASSIST IN COMMISSION OF FELONY

**CALIFORNIA HEALTH AND SAFETY CODE:**

Division 10 UNIFORM CONTROLLED SUBSTANCES ACT

Chapter 1 §11000-§11033 General Provisions and Definitions

Chapter 2 §11053-§11058 Standards and Schedules

Chapter 3 §11100-§11107.1 Regulation and Control

Chapter 6. Article 1. OFFENSES INVOLVING CONTROLLED SUBSTANCES FORMERLY CLASSIFIED AS NARCOTICS §11350-§11356.5 Offenses and Penalties

Chapter 6 Article 2. MARIJUANA §11357-§11362.9 Possession, Cultivation, Sales

Chapter 6. Article 3 PEYOTE §11363 Planting, Cultivating and Harvesting

Chapter 6. Article 4. MISCELLANEOUS OFFENSES AND PROVISIONS §11364-§11375

Chapter 6. Article 5. OFFENSES INVOLVING CONTROLLED SUBSTANCES FORMERLY CLASSIFIED AS RESTRICTED DANGEROUS DRUGS §11377-§11382.5 Offenses and Penalties

Chapter 6. Article 6. PRECURSORS OF METHAMPHETAMINE AND PHENCYCLIDINE §11383-§11384 Possession, Punishment, Regulations

Chapter 6. Article 7. MUSHROOMS §11390-§11392

Chapter 6.5 ANALOGS §11400-§11401

Chapter 9.5 LOITERING FOR DRUG ACTIVITIES §11530-§11538

Chapter 10. Article 3. CONTROL OF USERS OF CONTROLLED SUBSTANCES – ABATEMENT §11570 Nuisance

**CITY OF DAVIS MUNICIPAL CODE:**

Article 22.01 IN GENERAL

§22.01.120 PERSON UNDER INFLUENCE OF ALCOHOLIC LIQUOR OR NARCOTICS IN OR ABOUT VEHICLES

**SACRAMENTO CITY CODE:**

Chapter 9.08 DRUG OFFENSES §9.08.010-§9.08.140