



San Gabriel Unified School District Human Resources

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Understanding Criminal Offenses

The California Penal Code categorizes criminal offenses as the following:

INFRACTIONS:

Infractions are your typical traffic violation. Examples include disregarding a traffic signal, operating an unregistered vehicle, allowing someone to ride in the trunk of the vehicle and speeding. In these cases there is no probation, just fines and no jail time.

This type of violation **does not** need to be listed on your application.

MISDEMEANORS:

In California a misdemeanor will normally show up on a background check. Devastating affects normally appear due to being accused of a misdemeanor or having been convicted of a misdemeanor. And finally, in many cases a misdemeanor can be elevated to the level of a felony. A misdemeanor is usually punishable by a fine or by incarceration for a period of less than one year.

Examples of California Misdemeanors

Trespassing, driving under the influence (in the first, second, and third offenses), petty theft, disorderly conduct, shoplifting, obscene matter, receipt for stolen property, probation violations, unlicensed driver, public drunkenness, illegal gambling, violation of restraining orders, solicitation of prostitution, reckless driving, assault and battery without minimum injury, domestic violence, and exhibition of speed.

Changing a Misdemeanor into a Felony

In California the risk of elevating a misdemeanor to the severity of a felony happens in specific circumstances. These circumstances include domestic violence, petty theft, shoplifting, violation of a domestic violence order, indecent exposure, drunk driving with three prior charges in the space of ten years, receipt of stolen property, and having a loaded firearm in a public place.

FELONIES:

Common types of felonies include robbery, grand theft, drug possession and/or sales, sexual assault, and some domestic violence. Punishment can range from probation to straight prison time with a minimum sentence of 16 months.

*The San Gabriel Unified School District is required to ask on our employment application if “you have ever been convicted of a **felony or misdemeanor**, or do you currently have a felony or misdemeanor charge pending?” Your answers will not necessarily disqualify you from consideration, but if you have falsely answered a question on your application it may be sufficient grounds for failure to employ. **PLEASE read all legal questions carefully on the application.***