

TABLE 2
MANDATORY ENHANCEMENTS¹ FOR HEALTH AND SAFETY CODE SECTIONS
11350, 11351, 11351.5, 11352, 11353, 11377, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11550²
 (last revised 12/30/2013)

Crime	Sentencing Enhancement	Fee	Fine	Probation Condition
11350		11372.5 (\$50) 11372.7 (\geq \$150 per offense) ³ PC 1465.8 (\$40/conviction)		11350(d) -1 st offense- \$1000/community service

11351	<p>11370.2 (a) - +3 year enhancement [in addition to Pen. Code section 667.5 enhancements] for prior convictions for 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, 11383⁴</p> <p>11370.4 (a) enhancement for weight (pled/proven) of substance containing heroin, cocaine base (Sch.I(f)(1)) and cocaine (Sch.II(b)(6))</p> <p>1 kg+ 3 years 4 kg+ 5 years 10 kg+ 10 years 20 kg+ 15 years 40 kg+ 20 years 80 kg+ 25 years</p> <p>11352.5 ≥ \$50,000 for</p> <p>(1) possession for sale 14.25 grams + substance containing heroin (2) selling/offering to sell 14.25 grams + substance containing heroin (3) convicted of 11351 or 11352 with prior 11351 or 11352</p>	11372.5 (\$50) 11372.7 (≥\$150 per offense) ⁵	11352.5 for possession/sale of 14.25+ grams heroin (≥\$50,000) or 1 or more prior convictions 11351 or 11352	PC 1203.073(b)(1) probation only in unusual case where 28.5+ grams cocaine/47 grams + of substance containing cocaine (pled and proven)
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11351.5	<p>11370.2 (a) - +3 year enhancement [in addition to Pen. Code section 667.5 enhancements] for prior convictions for 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, 11383⁶</p> <p>11370.4 enhancement for weight (pled/proven) of substance containing heroin, cocaine base (Sch.I(f)(1)) and cocaine (Sch.II(b)(6))</p> <p>1 kg+ 3 years 4 kg+ 5 years 10 kg+ 10 years 20 kg+ 15 years 40 kg+ 20 years 80 kg+ 25 years</p>	11372.5 (\$50) 11372.7 (≥\$150 per offense)		PC 1203.073(b)(5) probation only in unusual case where 14.25+ grams cocaine base/57 grams + substance containing cocaine base (pled and proven)
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11352	<p>11370.2 (a) - +3 year enhancement [in addition to Pen. Code section 667.5 enhancements] for prior convictions for 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, 11383⁷</p> <p>11370.4 enhancement for weight (pled/proven) of substance containing heroin, cocaine base (Sch.I(f)(1)) and cocaine (Sch.II(b)(6))</p> <p>1 kg+ 3 years 4 kg+ 5 years 10 kg+ 10 years 20 kg+ 15 years 40 kg+ 20 years 80 kg+ 25 years</p>	11372.5 (\$50) 11372.7 (≥\$150 per offense)	11352.5 (≥ \$50,000) for (1) enhancement for 14.25+grams heroin (2) enhancement for substance containing 14.25+ grams heroin (3) for prior 11351/11352	PC 1203.073(b)(6)(7) probation only in unusual case where 14.25+ grams cocaine base/57 grams + substance containing cocaine base (pled and proven)
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11353	<p>11353.1(a)(1(2)) +pled and proven +Δ18+:</p> <p>(1) heroin/cocaine/cocaine base/analog on grounds/within church/synagogue/ playground youth center/ child day care facility/public swimming pool while open for business/classes or school-related programs when minors - 1 year</p> <p>(2) within 1,000 feet grounds elementary/vocational/junior high/ high school during hours open for classes/school-related programs, or when minors using the facility -2 years.</p> <p>11353.4(a) pled and proven + Δ18 + Sch.I(f) drugs + prior/subsequent 11353 where prison sentence - 1, 2, or 3 years</p> <p>11353.5 18 + and 5 years older than minor prepares for sale/sells/gives away controlled substance other than described in 11353 or 11380 to minor in locations describe above 5, 7, 9 (PC 1170(h) eligible)</p>	11372.7 (≥\$150 per offense)		PC 1203.073(b)(4) probation only in unusual case where pled and proven
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11377		11372.5 (\$50) 11372.7 (≥\$150 per offense)		
11378	<p>11370.2 (c) -for substances specified in 11055(d)(1),(2) +3 year enhancement [in addition to Pen. Code section 667.5 enhancements] for prior convictions for 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, 11383⁸</p> <p>11370.4 weight enhancement (pled/proven) 1 kg+ or 30 liters - 3 years 4 kg+ or 100 liters - 5 years 10 kg+ or 200 liters - 10 years 20 kg+ or 400 liters - 15 years</p>	11372.5 (\$50) 11372.7 (≥\$150 per offense)		PC 1203.073(b)(2) probation only in unusual case where pled and proven 28.5+ grms methamphetamine//57 grams+substance containing meth

11378.5	<p>11370.2 (b) - +3 year enhancement [in addition to Pen. Code section 667.5 enhancements] for prior convictions for 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, 11383⁹</p> <p>11370.4 weight enhancement (pled/proven) 1 kg+ or 30 liters - 3 years 4 kg+ or 100 liters - 5 years 10 kg+ or 200 liters - 10 years 20 kg+ or 400 liters - 15 years</p>	11372.5 (\$50) 11372.7 (≥\$150 per offense)		
11379	<p>11370.2 (c) -for substances specified in 11055(d)(1),(2) +3 year enhancement [in addition to Pen. Code section 667.5 enhancements] for prior convictions for 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, 11383¹⁰</p> <p>11370.4 weight enhancement (pled/proven) 1 kg+ or 30 liters - 3 years 4 kg+ or 100 liters - 5 years 10 kg+ or 200 liters - 10 years 20 kg+ or 400 liters - 15 years</p>	11372.5 (\$50) 11372.7 (≥\$150 per offense)		PC 1203.073(a)/(b)(2) probation in unusual circumstances where pled and proven 28.5+ grms/methamphetamine //57 grams+substance containing meth

11379.5	<p>11370.2 (b) - +3 year enhancement [in addition to Pen. Code section 667.5 enhancements] for prior convictions for 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, 11383¹¹</p> <p>11370.4 weight enhancement (pled/proven) 1 kg+ or 30 liters - 3 years 4 kg+ or 100 liters - 5 years 10 kg+ or 200 liters - 10 years 20 kg+ or 400 liters - 15 years</p>	<p>11372.5 (\$50) 11372.7 (≥\$150 per offense)</p>		
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11379.6	<p>11370.2 (b) - +3 year enhancement [in addition to Pen. Code section 667.5 enhancements] for prior convictions for 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11380.5, 11383¹²</p> <p>11379.7(a) violation or attempted violation as to meth/PCP with minor >16 years present - 2 years 11379.7(b) with minor >16 years GBI -5 years</p> <p>11379.8(a) weight enhancement for commission or conspiracy to commit w/sch.I(d)(20),(21), (22); (d)(1),(2); (2)(e)(3); II(f)(2) 3+gal./1 lb. - 3 years 10+gal/3lbs- 3 years 25+gal./10 lbs -10 yrs 105+gal/44 lbs - 15 years</p>	11372.5 (\$50) 11372.7 (≥\$150 per offense) + fine (≥\$50,000)		PC 1203.073(b)(3) probation only in unusual case where convicted 11379.6(a) (with exceptions) (8) meth and one or more priors
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11380	11380.1(a)(1) PCP/meth/LSD/analog/on grounds/within church/synagogue/playground youth center/ child day care facility/public swimming pool while open for business/classes or school-related programs when minors - 1 year (2) within 1,000 feet grounds elementary/vocational/junior high/ high school during hours open for classes/school-related programs, or when minors using the facility -2 years. (3) if minor 4 years younger than Δ -1, 2, or 3 years- pled and proven	11372.5 (\$50) 11372.7 (≥\$150 per offense)		PC 1203.073(b)(4) probation only in unusual case where minor+ specified sch.I and II drugs
11550	11550(e) under influence cocaie/cocaine base/heroin/meth	11372.5 (\$50) 11372.7 (≥\$150 per offense)		

1. Mandatory fees/fines and assessments that apply to all convictions, such as Penal Code sections 1202.4, 1202.45, 1202.44, 1465.8 and Government Code section 70373 are not included.

2. All crimes carry mandatory fees, fines and penalties. A current listing can be found on CCAP's website at http://capcentral.org/criminal/crim_fines.asp. This table lists mandatory sentencing enhancements, fees, fines and assessments specific to the crimes listed. Discretionary sentencing enhancements that are not imposed will not provide an appeal issue. A mandatory enhancement that has not been imposed will present a potential adverse consequence the appellant should be alerted to.

3. Includes an ability to pay determination but on silent record arguably court found no ability to pay

4. In a prosecution for possession of methamphetamine for sale (Health & Saf. Code, § 11378), entry of defendant's guilty plea in an earlier proceeding for violation of the same statute constituted a prior felony conviction within the meaning of Health & Saf. Code, § 11370.2(c), even though defendant had not yet been sentenced on that prior conviction. For the purposes of § 11370.2(c), the term "conviction" means the ascertainment of guilt. The ascertainment of guilt can occur either when a verdict of guilty is entered or when a defendant pleads guilty, notwithstanding the fact that a guilty plea might subsequently be withdrawn or rejected. (*People v. Rhoads* (1990, Cal App 4th Dist) 221 Cal App 3d 56.),

Enhancement under H & S C § 11370.2(a), may be imposed even when execution of sentence on the prior conviction was stayed under Pen C § 654. (*People v. Newton* (2010, 2d Dist) 189 Cal App 4th 314, 116 Cal Rptr 3d 711, 2010 Cal App LEXIS 1784, review denied *People v. Newton (Green)* (2011, Cal.) 2011 Cal. LEXIS 1125.)

Enhancements under H & S C § 11370.2 are status enhancements, which can be imposed only once, as part of the aggregate sentence. However, because of the structure of § 11370.2, the legislature intended that multiple enhancements can be imposed for the same prior convictions, if there are current multiple counts of conviction as to which different subdivisions of § 11370.2 apply. (*People v. Edwards* (2011, 4th Dist) 195 Cal. App.4th 1051.)

5. Includes an ability to pay determination but on silent record arguably court found no ability to pay

6. See endnote 4

7. See endnote 4

8. See endnote 4

9. See endnote 4

10. See endnote 4

11. See endnote 4

12. See endnote 4

