

FINES/FEES FOR SEX OFFENSES					
Authorizing Statute	Applies To	Amount	Ability to Pay Provision?	Fine Mandatory?	Original Effective Date / Most Recent Amendment
Pen. Code, § 243.4, subd. (a) (sexual battery - unlawful restraint)	Convictions for sexual battery, where defendant touched intimate part of another person and person was unlawfully restrained.	<ul style="list-style-type: none"> Misdemeanor: ≤ \$2,000 Felony: ≤ \$10,000 	No	Yes	1983/1992
Pen. Code, § 243.4, subd. (b) (sexual battery - touching where disability/incapacity)	Convictions for sexual battery, where defendant touched intimate part of another person and person was institutionalized for medical treatment and was seriously disabled or medically incapacitated.	<ul style="list-style-type: none"> Misdemeanor: ≤ \$2,000 Felony: ≤ \$10,000 	No	Yes	1983/1992
Pen. Code, § 243.4, subd. (c) (sexual battery - fraudulent representation of professional purpose)	Convictions for sexual battery, where defendant fraudulently represented that touching served professional purpose.	<ul style="list-style-type: none"> Misdemeanor: ≤ \$2,000 Felony: ≤ \$10,000 	No	Yes	1983/2003 ¹

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<p>Pen. Code, § 243.4, subd. (d)</p> <p>(sexual battery - causing masturbation or touching where disability/incapacity)</p>	<p>Convictions for sexual battery: where defendant caused another person to masturbate or touch an intimate part of either of those persons or a third person, where person was unlawfully restrained or institutionalized for medical treatment and was seriously disabled or medically incapacitated.</p>	<ul style="list-style-type: none"> • Misdemeanor: ≤ \$2,000 • Felony: ≤ \$10,000 	<p>No</p>	<p>Yes</p>	<p>1983/1992²</p>
<p>Pen. Code, § 243.4, subd. (e)(1)</p> <p>(sexual battery - misdemeanor)</p>	<p>Convictions for sexual battery, where defendant touched intimate part of another person.</p>	<p>≤ \$2,000 non-employer/employee</p> <p>≤ \$3,000 employer/employee</p>	<p>No</p>	<p>No</p>	<p>1983/1992³ & 1983/1993⁴</p>
<p>Pen. Code, § 243.4, subd. (j)</p> <p>(sexual battery - against minor; with prior PC 243.4)</p>	<p>Convictions for sexual battery, where defendant violated subds. (a), (b), (c), or (d) against minor and has prior Pen. Code, § 243.4 felony conviction.</p>	<p>≤ \$10,000</p>	<p>No</p>	<p>Yes</p>	<p>1983/1993⁵</p>

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<p>Pen. Code, § 261.5, subd. (e)(1)</p> <p>(statutory rape)</p>	<p>Convictions for statutory rape.</p>	<p>Criminal penalty: ≤ \$70</p> <p>Civil penalties:</p> <ul style="list-style-type: none"> • \$2,000: minor < two years younger than adult; • \$5,000: minor ≥ two years younger than adult; • \$10,000: minor ≥ three years younger than adult; • \$25,000: minor < 16 years of age, adult > 21 years of age. 	<p>Yes</p> <p>No</p>	<p>No</p> <p>No</p>	<p>1979/2000⁶ & 1979/1997⁷</p>
<p>Pen. Code, § 264, subd. (b)</p> <p>(rape)</p>	<p>Convictions for rape (Pen. Code, § 261) or spousal rape (Pen. Code, § 262).</p>	<p>≤ \$70</p>	<p>Yes</p>	<p>No</p>	<p>1872/1989</p>

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Pen. Code, § 288, subd. (e)(1) (lewd or lascivious acts)	Convictions for lewd or lascivious acts upon a minor in violation of subdivisions (a) and (b).	≤ \$10,000	No	No	1901/1988
Pen. Code, § 288.4, subd. (a)(1) (contacting minor with sexual offense intent)	Convictions for contacting minor with intent to commit sexual offense.	≤ \$5,000	No	No	2006 ⁸
Pen. Code, § 290.3, subd. (a) (specified sex offenses)	Convictions of sex offenses listed in Pen. Code, § 290, subd. (c).	Conviction: <ul style="list-style-type: none"> • 1st: \$300 • Each subsequent: \$500 	Yes ⁹	Yes	1989/2006 ¹⁰
Pen. Code, § 294, subd. (a) (specified sex offenses)	Convictions for violating either of Pen. Code, §§ 288.5 or 647.6.	<ul style="list-style-type: none"> • Misdemeanor: ≤ \$1,000 • Felony: ≤ \$5,000 Discretionarily subject to Pen. Code, § 294, subd. (d). ¹¹	Yes	No	1994

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Pen. Code, § 294, subd. (b) (specified sex offenses)	Convictions for violating any of Pen. Code, §§ 261, 264.1, 285, 286, 287, 289, or former 288a, where minor under age of 14 years.	<ul style="list-style-type: none"> Misdemeanor: ≤ \$1,000 Felony: ≤ \$5,000 Discretionarily subject to Pen. Code, § 294, subd. (d). ¹²	Yes	No	1994/2019 ¹³
Pen. Code, § 1203.1h, subd. (b) (specified sex offenses)	Convictions for any offense involving sexual assault or attempted sexual assault, including child sexual abuse.	Cost of medical examination of victim to determine nature and extent of abuse or for collection and preservation of evidence.	Yes	No	1986 ¹⁴ /1992

¹ Current subdivision (c) added 2003.

² Former subdivision (c).

³ Former subdivision (d); non-employer/employee.

⁴ Former subdivision (d); employer/employee.

⁵ Former subdivision (i).

⁶ Criminal penalty.

⁷ Civil penalties.

⁸ Former section 288.3 (enacted 2006); renumbered 2007.

⁹ Although this code section provides for the imposition of sex offender fines unless the court determines the defendant does not have the ability to pay, the trial court is not obligated to inquire into defendant’s ability to pay absent defendant’s request. That said, the better practice is for trial court to inquire sua sponte into defendant’s financial circumstances before imposing a sexual offender fine. (*People v. Acosta* (2018) 28 Cal.App.5th 701; see also *People v. McMahan* (1992) 3 Cal.App.4th 740.)

¹⁰ Proposition 83.

¹¹ “If the court orders a fine to be imposed pursuant to this section, the actual administrative cost of collecting that fine, not to exceed 2 percent of the total amount paid, may be paid into the general fund of the county treasury for the use and benefit of the county.” (Pen. Code, § 294, subd. (d).)

¹² “If the court orders a fine to be imposed pursuant to this section, the actual administrative cost of collecting that fine, not to exceed 2 percent of the total amount paid, may be paid into the general fund of the county treasury for the use and benefit of the county.” (Pen. Code, § 294, subd. (d).)

¹³ Additional specified sex offenses added.

¹⁴ Former section 1203.1g (1986); renumbered 1987.