



## Wobblers

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### California Penal Code Statutes listed at the misdemeanor and felony level

#### CALIFORNIA PENAL CODE SECTION 17

Some statutes listed in the California Penal code can be charged as a misdemeanor or as a felony. Statutes having this distinction are commonly referred to as “**wobblers**”. Pursuant to Penal Code section 17: felony is a crime punishable by death, imprisonment in a state prison or imprisonment in a county jail pursuant to penal code 1170(h) only the District Attorney and Court have the authority to reduce the charge from a felony to a misdemeanor.

#### CALIFORNIA PENAL CODE SECTION 836

Pursuant to Penal Code 836 – A law enforcement officer’s powers of arrest are greater for felonies than for misdemeanors. The necessary probable cause for a felony arrest may lawfully be based upon second-hand information obtained from victims and witnesses. Misdemeanor arrests, generally, are lawful only when the offense is committed in the officer’s presence.

Therefore, when the intake slip (J-15) does not indicate whether a Qualifying charge is being charged as a misdemeanor or as a felony charge, **staff WILL process the charge as a felony.**