

Incarceration

Prior to the decriminalization of parking violations, an incarcerated individual could have all of their outstanding parking citations dismissed under CVC §41500 of the California Vehicle Code which prohibits the further prosecution of non-felony offenses pending at the time of incarceration. Since parking citations have been decriminalized, this section of the Vehicle Code no longer applies. If the person requesting dismissal was incarcerated before July 1, 1993 and the citations involved were issued on or before the date of incarceration then the request can be considered.

VERIFICATION FROM CONTESTEE

1. A statement from the incarcerated individual and a copy of an official document that verifies that the person was incarcerated in prison or a Youth Authority institution prior to July 1, 1993

VERIFICATION BY INVESTIGATION

1. Review documentation submitted for authenticity
2. Determine if citation(s) were issued prior to July 1, 1993
3. Determine if citation(s) were issued prior to incarceration

DECISION

The citation(s) should be dismissed if evidence or investigation sufficiently substantiate that all of the following are true:

- That documentation is authentic
- That the vehicle owner was incarcerated in a prison or youth authority prior to July 1, 1993
- That the citation(s) were issued on or before the date of incarceration

All other citations should be upheld.

DISMISSAL AUTHORITY: California Vehicle Code §40215 (a)(1)

Comments: This policy does not apply to individuals on parole, released on bail, or in custody but not convicted of an offense prior to July 1, 1993.