

# California Diversion Program

In California, certain misdemeanor vehicular manslaughter cases may qualify for diversion under [AB 3234](#), allowing charges to be dismissed after completing court-ordered terms, such as restitution and classes. This enables defendants to avoid a conviction on their record and sometimes keep points off their driving record. However, this option is generally for low-level, non-felony offenses. © John Pozza Attorney At Law, PLC +2

## Key Aspects of California Manslaughter Diversion:

- **Applicability:** Primarily applies to misdemeanor vehicular manslaughter cases (e.g., ordinary negligence leading to death) rather than felony, voluntary, or involuntary manslaughter.
- **Process:** A judge can pause (divert) the case for up to 24 months, during which the defendant must comply with conditions like restitution to the victim's family, counseling, or community service.
- **Outcome:** If the defendant completes the program, the case is dismissed, meaning no conviction is recorded.
- **Driving Records:** While diversion helps avoid a criminal record, some debate exists regarding whether it keeps the incident off a driving record, with new legislation (SB 953) aiming to address how these points are handled.
- **Restrictions:** Diversion is not available for serious felonies, and prosecutors may object if they believe the defendant poses a public safety risk. © John Pozza Attorney At Law, PLC +5

In California, diversion for felony manslaughter is **generally unavailable**, particularly for voluntary or involuntary manslaughter which are excluded from standard mental health diversion programs. While misdemeanor vehicular manslaughter can sometimes be diverted under certain reforms, felony manslaughter convictions, which involve serious, violent acts, do not qualify for, and cannot be erased by, standard diversion programs. [California Department of State Hospit... +4](#)

### **Key Aspects of California Diversion Laws:**

- **Mental Health Diversion (PC 1001.36)**: Allows for treatment instead of jail for mental health issues, but specifically excludes murder, voluntary manslaughter, and sexual offenses.
- **Felony Restrictions**: Under PC 1001.35, individuals charged with serious felonies, such as manslaughter, are generally not eligible for programs that allow for case dismissal.
- **Misdemeanor Loopholes**: Recent concerns have been raised regarding a 2020 law (PC 1001.95) that allows judges to dismiss certain misdemeanor vehicular manslaughter cases, creating a loophole that allows offenders to avoid having the conviction on their record.
- **Felony Record Cleaning**: While diversion for active, serious felonies is not available, some individuals with prior felony convictions (not requiring sex offender registration) may have their cases dismissed two years after serving their sentence. [California Department of State Hospita... +5](#)