



City of Arts & Innovation

Charter Review Committee Memorandum

TO: CHARTER REVIEW COMMITTEE

DATE: NOV. 18, 2019

FROM: CITY ATTORNEY'S OFFICE

WARDS: ALL

SUBJECT: DEFINITION OF "CRIME INVOLVING MORAL TURPITUDE"

ISSUE:

The Charter Review Committee requested that Staff research the definition of the phrase "crime involving moral turpitude".

RECOMMENDATION:

Receive and file this report on the definition of "crime involving moral turpitude".

BACKGROUND:

The phrase "moral turpitude" appears in two sections of the Riverside City Charter. Section 404 states the office of a member of the City Council or Mayor who is "convicted of a crime involving moral turpitude" shall become vacant. Section 805 states the office of a member of a board or commission who is "convicted of a crime of moral turpitude" shall become vacant. There is no meaningful distinction between the phrases "crime *involving* moral turpitude" and "crime *of* moral turpitude"; therefore, both phrases will be treated as one and the same for purposes of this report.

The Charter is silent as to whether conviction of a crime of moral turpitude would disqualify a person from being appointed to a board or commission or elected to office. Section 401 (eligibility to hold office of either City Council or Mayor) provides that the person must be a qualified elector residing in the specific ward (City Council) or in the City (Mayor). Section 802 (appointments for boards and commissions) provides that a person cannot be employed by the City and is a qualified elector of the City.

There is no specific California law which lists what a crime of moral turpitude is. Instead, courts have made determinations as to specific crimes.

The California Supreme Court has generally defined "crimes involving moral turpitude" to be:

- Any crime in which an intent to defraud is an essential element. In re Hallinan (1954) 43 Cal.2d 243, 247.
- Any offense involving intentional dishonesty for purposes of personal gain. In re Hallinan (1954) 43 Cal.2d 243, 247-48.
- Any offense which evinces a "readiness to do evil" (even if the offense does not involve dishonesty). People v. Castro (1985) 38 Cal.3d 301, 314.

The California Supreme Court and California appellate courts have found the following specific crimes to involve moral turpitude: child molestation, crimes of violence, torture, petty theft, bribery, accessory after the fact, arson, assault with a deadly weapon, assault with deadly weapon or force likely to produce great bodily injury, assault with intent to commit murder, assault with intent to commit rape, auto theft, battery on a police officer, burglary, contributing to the delinquency of a minor, conspiracy to possess an unregistered firearm, corporal injury of a child, discharge of firearm at inhabited dwelling, driving under the influence (felony), escape with or without violence, evading a peace officer, ex-con with a gun, extortion, failing to appear (felony), false imprisonment (felony), forgery, grand theft, grand theft auto, hit and run (felony), indecent exposure (felony), kidnapping, lewd or lascivious act on a child, murder, perjury, pimping and pandering, possession of a firearm by a felon, possession of an assault weapon, possession for sale of controlled substances, rape, receiving stolen property, resisting an executive officer by force or violence, robbery, sale of heroin, spousal abuse, tax evasion, terrorist threats, transportation of controlled substance, vandalism, and voluntary manslaughter.

The following crimes have been found to *not* involve moral turpitude: Battery resulting in serious bodily injury, child endangerment, involuntary manslaughter, marijuana possession, maintaining a place for narcotics use, simple assault, simple possession of a controlled substance.

For a list of the California Supreme Court and appellate court decisions finding the foregoing crimes to involve, or not involve, moral turpitude, please contact the City Attorney's Office.

FISCAL IMPACT:

None.

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