

GENERAL OFFICE MEMORANDUM 25-061

TO: ALL DISTRICT ATTORNEY PERSONNEL

FROM: STEVEN I. KATZ *SK*
Chief Deputy District Attorney

SUBJECT: PUBLIC TRANSIT RELATED OFFENSES

DATE: APRIL 22, 2025

The Los Angeles County District Attorney's Office recognizes the critical role that public transit plays in the lives of those who reside in and visit our community. Our Office is dedicated to protecting passengers who use public transit, as well as those who operate the systems, by vigorously prosecuting public transit related offenses.

To establish uniformity in charging offenses related to public transit, each Branch and Area office shall designate a charge evaluation deputy to review offenses committed in public transit vehicles and facilities, including those committed against public transit operators and employees. The charge evaluation deputy is to serve as a resource for local law enforcement agencies on issues related to crimes committed in public transit vehicles and facilities.

In addition, all deputies are responsible for familiarizing themselves with public transit related offenses and allegations, some of which are summarized below. Deputies should review the statutes and related jury instructions before making any charge-related decisions as many of these laws contain specialized definitions and qualifying language.

Note that under [Penal Code § 783](#), jurisdiction for offenses committed on board vessels, railroad trains, cars, motor vehicles, common carriers transporting passengers, or aircraft lies in any competent court through, on, or over the territory the vehicle passes or where the trip terminates.

- [Penal Code § 171.7\(b\)](#) – Possession of firearms, replica firearms, and other specified weapons and replica weapons in a public transit facility, including vehicles used in the public transit system, is a misdemeanor.
- [Penal Code § 190.25](#) – Murder of an operator/driver or station/ticket agent of a bus, vehicle operated on stationary rails, taxicab, or other listed form of transportation is a special circumstance allegation to first-degree murder punishable by life in prison without the possibility of parole.
- [Penal Code § 211](#) – Robbery of an operator or passenger of a bus, taxi cab, vehicle operated on rails, or other form of transportation as listed in [Penal Code § 212.5](#) is robbery of the first degree and punishable by three, six or nine years in state prison under [Penal Code § 213\(a\)\(1\)\(A\)](#).

- [Penal Code § 218](#) – Unlawfully throwing out a switch, removing a rail, placing an obstruction, or committing another specified act with the intent of derailing or wrecking a train is a felony punishable by life in state prison without the possibility of parole.
- [Penal Code § 218.1](#) – Causing damage or derailment of a train or injury to a train passenger or employee by unlawfully placing an obstruction on or near a railroad track with gross negligence is an alternate misdemeanor/felony punishable by two, three or four years in prison pursuant to Penal Code § 1170(h).
- [Penal Code § 219](#) – Causing a train wreck by unlawfully throwing out a switch, removing a rail, placing an obstruction, or committing another specified act with the intent to derail or wreck the train is a felony. If any person suffers death as a proximate result, the punishment is death or life in prison without the possibility of parole. If no one suffers death as a proximate result, the punishment is life in prison with the possibility of parole.
- [Penal Code § 219.1](#) – Throwing specified objects at a vehicle operated by a common carrier causing a wreck and great bodily harm with the intent to do so is a felony punishable by two, four or six years in prison pursuant to Penal Code § 1170(h). Common carrier is defined in [Civil Code § 2168](#).
- [Penal Code § 219.2](#) – Throwing a stone, missile or other specified object at a train, street railway car, bus, or other listed vehicle is an alternate misdemeanor/felony punishable by 16 months, or two or three years in state prison.
- [Penal Code § 241.3](#) – Assault on any person on the motor vehicle of or on the property of a public transportation provider is a misdemeanor.
- [Penal Code § 243.3](#) – Battery on an operator, driver, passenger, station or ticket agent of a bus, taxicab, vehicle operated on stationary rails, or other listed form of transportation is a misdemeanor with a maximum of one year in jail and a \$10,000 fine. If the battery results in an injury on the victim, the offense is punishable as an alternate misdemeanor/felony punishable by 16 months, or two or three years in state prison. Injury is defined in [Penal Code § 243\(f\)\(5\)](#) as “any physical injury which requires professional medical treatment.” (See also *People v. Longoria* (1995) 34 Cal.App.4th 12, 17.)
- [Penal Code § 243.35](#) – Except as provided in Penal Code section 243.3 battery on any person on the motor vehicle of or on the property of a public transportation provider is a misdemeanor.
- [Penal Code § 245.2](#) – Assault with a deadly weapon on an operator, driver, passenger, station or ticket agent of a bus, taxicab, vehicle operated on stationary rails or other listed form of transportation is a felony punishable by three, four or five years in state prison.
- [Penal Code § 481](#) – Counterfeiting, forging, or altering a ticket, receipt for fare or pass for a railroad or uttering such counterfeit, forged or altered item with the intent to defraud, is an alternate misdemeanor/felony punishable by 16 months, or two or three years pursuant to Penal Code § 1170(h).

- [Penal Code § 481.1\(a\)](#) – Counterfeiting, forging, altering or any fare media for vehicles of a public transportation system (as defined by [Public Utilities Code § 99211](#)) is an alternate misdemeanor/felony punishable by 16 months, or two or three years in state prison.
- [Penal Code § 481.1\(b\)](#) – Possession of a counterfeit, forged or altered fare media for vehicles of a public transportation system (as defined by [Public Utilities Code § 99211](#)) or uttering such item with the intent to defraud is a misdemeanor.
- [Penal Code § 482](#) – Altering a railroad receipt for fare, ticket or pass to restore its original appearance and value with the intent to sell, gift, or circulate offers such item for sale for in payment of fare and with the intent to defraud the railroad is a misdemeanor.
- [Penal Code § 640\(c\)](#) – Fare evasion, including misusing a ticket or unauthorized use of a discount, is an infraction. Under Penal Code § 640(a)(1), the offense is a misdemeanor upon a third or subsequent violation.
- [Penal Code § 640\(d\)](#) – Willfully disturbing others, carrying an explosive, flammable liquid, or acid, in a public transit facility or vehicle, or urinating or defecating other than in a lavatory, or blocking the free movement of another person, or tampering with, removing or destroying any part of a public transit system facility or vehicle is a misdemeanor.
- [Penal Code § 602\(q\)](#) – Failing to leave a public building of a public agency when the building is closed to the public upon being asked by a guard, watchperson or custodian of the agency is a misdemeanor.
- [Penal Code § 602\(u\)\(1\)](#) – Unauthorized entry into a transit area restricted to authorized personnel when notice of restricted access has been posted as specified, is an infraction. The offense is a misdemeanor upon a second or subsequent violation, or if the person refuses to leave after being requested by a peace officer or authorized personnel.
- [Penal Code § 602\(v\)](#) – Intentionally avoiding screening when entering the sterile area of a public transit facility when notice has been posted is an infraction. The offense is a misdemeanor upon a second or subsequent violation (§ 602(v)(1)), or if a first violation is responsible in any part for a delay or cancellation of a departure (§ 602(v)(2)).

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