

ASSEMBLY BILL

No. 267

Introduced by Assembly Member Jones-Sawyer

February 10, 2015

An act to add Section 858.2 to the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 267, as introduced, Jones-Sawyer. Criminal procedure: disclosure: felony conviction consequences.

Existing law requires, when a defendant is brought before a magistrate upon arrest, on a charge of having committed a public offense, the magistrate to immediately inform the defendant of the charge against him or her and the defendant's right to counsel at every stage of the proceedings. Existing law requires the court to inform the defendant that there are certain provisions of law specifically designed for individuals who have active duty or veteran status and who have been charged with a crime.

This bill would require the court, when the defendant first appears for arraignment on a felony charge, to inform the defendant that accepting a plea or suffering a conviction for a felony results in various consequences, including, among others, the loss of certain professional licenses, prohibitions against owning or possessing a firearm, and ineligibility for enlisting in the military.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 858.2 is added to the Penal Code, to read:
- 2 858.2. When the defendant first appears for arraignment on a
- 3 felony charge, the court shall inform the defendant that accepting
- 4 a plea or suffering a conviction for a felony may result in various
- 5 consequences to the defendant, including, but not limited to, the
- 6 following:
- 7 (a) Experiencing difficulty in obtaining employment generally,
- 8 and prohibited from employment in certain jobs.
- 9 (b) The loss of voting rights while incarcerated and during
- 10 parole.
- 11 (c) Ineligibility for enlisting in the military.
- 12 (d) The loss of certain professional licenses, or the loss of the
- 13 ability to obtain certain professional licenses.
- 14 (e) Ineligibility for serving on a jury.
- 15 (f) Ineligibility to own or possess a firearm.
- 16 (g) Ineligibility for federal health care programs if the felony
- 17 is related to fraud involving a federal program, patient abuse, or
- 18 drugs.
- 19 (h) Ineligibility for becoming a United States citizen.
- 20 (i) Loss of federal financial aid if the felony was committed
- 21 while the defendant was receiving financial aid.
- 22 (j) Foreign travel restrictions.
- 23 (k) Ineligibility for federal cash assistance if the felony is
- 24 drug-related.
- 25 (l) Restrictions on receiving Supplemental Security Income.
- 26 (m) Potential diminished parental and child custody rights.

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