

AMENDED IN ASSEMBLY APRIL 16, 2015

AMENDED IN ASSEMBLY APRIL 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, 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, prior to acceptance of a guilty or nolo contendere plea to a felony offense, to inform the defendant that a conviction for a felony may result 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. The bill would make a legislative finding that the failure to provide this advisement with respect to pleas accepted prior to January

1, 2016, would not be cause to vacate a judgment or require the withdrawal of a plea, or find a conviction invalid.

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. (a) Prior to acceptance of a plea of guilty or nolo
3 contendere to any offense punishable as a felony under state law,
4 the court shall inform the defendant that a conviction for a felony
5 offense may result in various consequences to the defendant,
6 including, but not limited to, the following:

7 (1) Experiencing difficulty in obtaining employment generally,
8 and prohibited from employment in certain jobs.

9 (2) The loss of voting rights while incarcerated and during
10 parole.

11 (3) Ineligibility for enlisting in the military.

12 (4) The loss of certain professional licenses, or the loss of the
13 ability to obtain certain professional licenses.

14 (5) Ineligibility for serving on a jury.

15 (6) Ineligibility to own or possess a firearm.

16 (7) Ineligibility for federal health care programs if the felony
17 is related to fraud involving a federal program, patient abuse, or
18 drugs.

19 ~~(8) Ineligibility for becoming a United States citizen.~~

20 ~~(9)~~

21 (8) Loss of federal financial aid if the felony was committed
22 while the defendant was receiving financial aid.

23 ~~(10) Foreign travel restrictions.~~

24 ~~(11)~~

25 (9) Ineligibility for federal cash assistance if the felony is
26 drug-related.

27 ~~(12)~~

28 (10) Restrictions on receiving Supplemental Security Income.

29 ~~(13)~~

30 (11) Potential diminished parental and child custody rights.

31 (b) With respect to a plea accepted prior to January 1, 2016, it
32 is not the intent of the Legislature that a court's failure to provide
33 the advisement required by subdivision (a) should require the

- 1 vacation of judgment and withdrawal of the plea, or constitute
- 2 grounds for finding a prior conviction invalid.

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