

AMENDED IN SENATE AUGUST 26, 2015

AMENDED IN ASSEMBLY APRIL 16, 2015

AMENDED IN ASSEMBLY APRIL 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 267**

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**Introduced by Assembly Member Jones-Sawyer**

February 10, 2015

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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~~ *eligibility* 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~~ and withdrawal of a plea, ~~or constitute grounds to find a conviction invalid.~~ *invalid, or provide grounds for appeal from the judgment or appealable order.*

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:~~ *defendant. The court*  
7 *shall inform the defendant that the plea of guilty or nolo contendere*  
8 *may impact all of the following:*  
9 (1) ~~Experiencing difficulty in obtaining~~ *Ability to obtain*  
10 employment generally, and ~~prohibited from~~ *may prohibit*  
11 employment in certain jobs.  
12 (2) The loss of voting rights while incarcerated and during  
13 parole.  
14 (3) ~~Ineligibility for enlisting~~ *Eligibility to enlist* in the military.  
15 (4) ~~The loss of certain professional licenses, or the loss of~~  
16 ~~the ability to obtain or maintain certain state professional licenses.~~  
17 (5) ~~Ineligibility for serving~~ *Eligibility to serve* on a jury.  
18 (6) ~~Ineligibility~~ *Eligibility* to own or possess a firearm.  
19 (7) ~~Ineligibility~~ *Eligibility* for federal health care programs if  
20 the felony is related to fraud involving a federal program, patient  
21 abuse, or drugs.  
22 (8) ~~Loss of~~ *Eligibility for* federal financial aid if the felony was  
23 committed while the defendant was receiving financial aid.  
24 (9) ~~Ineligibility~~ *Eligibility* for federal cash assistance if the  
25 felony is drug-related.  
26 (10) ~~Restrictions on receiving~~ *Receipt of* Supplemental Security  
27 Income.  
28 (11) ~~Potential diminished~~ *Legal* parental and child custody  
29 rights.  
30 (b) *The court may provide the information through a form notice*  
31 *presented to the defendant or a bulletin posted in the courtroom*

1 *informing the defendant of these adverse consequences. The court*  
2 *may also orally inform the defendant that the actual impacts may*  
3 *be unknown and that the defendant may consult with his or her*  
4 *attorney or other qualified expert.*

5 ~~(b)~~

6 *(c) With respect to a plea accepted prior to January 1, 2016, it*  
7 *is not the intent of the Legislature that a court's failure to provide*  
8 *the advisement required by subdivision (a) should require the*  
9 *vacation of judgment and withdrawal of the plea, or constitute*  
10 *grounds for finding a prior conviction*~~invalid~~*. invalid, or provide*  
11 *a ground for appeal from the judgment or appealable order.*

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