

**Assembly Bill No. 267**

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Passed the Assembly September 4, 2015

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*Chief Clerk of the Assembly*

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Passed the Senate September 2, 2015

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

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

## LEGISLATIVE COUNSEL'S DIGEST

AB 267, 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 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 and withdraw a plea, constitute grounds to find a conviction invalid, or provide grounds for appeal from the judgment or appealable order.

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

SECTION 1. Section 858.2 is added to the Penal Code, to read:

858.2. (a) Prior to acceptance of a plea of guilty or nolo contendere to any offense punishable as a felony under state law, the court shall inform the defendant that a conviction for a felony offense may result in various consequences to the defendant. The court shall inform the defendant that the plea of guilty or nolo contendere may impact all of the following:

(1) Ability to obtain employment generally, and may prohibit employment in certain jobs.

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

(3) Eligibility to enlist in the military.

(4) The ability to obtain or maintain certain state professional licenses.

(5) Eligibility to serve on a jury.

(6) Eligibility to own or possess a firearm.

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

(8) Eligibility for federal financial aid if the felony was committed while the defendant was receiving financial aid.

(9) Eligibility for federal cash assistance if the felony is drug-related.

(10) Receipt of Supplemental Security Income.

(11) Legal parental and child custody rights.

(b) The court may provide the information through a form notice presented to the defendant or a bulletin posted in the courtroom informing the defendant of these adverse consequences. The court may also orally inform the defendant that the actual impacts may be unknown and that the defendant may consult with his or her attorney or other qualified expert.

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

Approved \_\_\_\_\_, 2015

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*Governor*