



AB 267: Jones-Sawyer Criminal Proceedings

(Version dated 2.24.15)

Summary

AB 267 requires the court, when the defendant first appears for arraignment on a felony charge, to inform the defendant that accepting a plea and a felony conviction results in the loss of certain privileges.

Background

According to the Harvard University *Institute of Politics' Mass Incarceration Policy Group*, one out of 100 adults is incarcerated, equaling more than 2.2 million Americans.

The system has expanded in recent decades due to the War on Drugs, the implementation of mandatory minimum sentencing, and the prevalence of plea bargaining, a process that circumvents the Constitutional right to trial by jury. While there is a logical appeal to plea deals, which offer a possibility to reduce minimum time to be incarcerated, individuals under arrest, are not being informed adequately about the consequences that result from becoming a felon.

According to the *New York Times*, "Fewer than one in 40 felony cases now make it to trial, as compared to 1970, when the ratio was about one in twelve. The decline has been even steeper in federal district courts." From 1986 to 2006 the ratio of pleas to trials nearly doubled, according to the *Bureau of Justice Statistics*.

Currently, upon arrest, police officers are required to inform a suspect of their Miranda rights, which is a "right to silence" warning given by police to criminal suspects in police custody. This bill, similarly, will inform defendants verbally of the

civil rights they lose if they take a plea and become a felon.

Existing Law

Section 858 of the California Penal Code requires the proceeding judge to immediately inform the defendant of the charge against him or her and of his or her right to the aid of counsel in every stage of the proceedings.

This Bill

Requires the court, when the defendant first appears for arraignment on a felony charge, to inform the defendant that accepting a plea and a felony conviction results in various consequences. These consequences include but are not limited to:

1. Experiencing difficulty in obtaining employment generally, and prohibited from employment in certain jobs.
2. The loss of voting rights while incarcerated and during parole.
3. Ineligibility for enlisting in the military.
4. The loss of certain professional licenses or the loss of the ability to obtain certain professional licenses.
5. Ineligibility for serving on a jury.
6. Ineligibility to own or possess a firearm.
7. Ineligibility for federal health care programs if the felony is related to fraud involving a federal program, patient abuse, or drugs.
8. Ineligibility for becoming a United States citizen.
9. Loss of federal financial aid if the felony was committed while the defendant was receiving financial aid.
10. Foreign travel restrictions.

11. Ineligibility for federal cash assistance if the felony is drug-related.
12. Restrictions on receiving Supplemental Security Income.
13. Potential diminished parental and child custody right

Support

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