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California State Senate

SENATOR
JEFF STONE, PHARM.D.
TWENTY-EIGHTH SENATE DISTRICT



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BUDGET & FISCAL REVIEW
PUBLIC SAFETY

September 20, 2017

The Honorable Jerry Brown
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Requested Veto of SB 395 (Lara)

Dear Governor Brown:

I would like to respectfully request that you veto SB 395. This bill would require that prior to a custodial interrogation, and before the waiver of any Miranda rights, a youth who is 15 years of age or younger must consult with legal counsel.

I am concerned that this bill goes too far beyond what existing case law requires as it relates to juveniles and their Miranda rights. The U.S. Supreme Court has held that "a court must take into account the special concerns that are present when a young person is involved, including a child or youth's limited experience, education and immature judgment." The standard set forth in case law is already adequate enough to protect juvenile offenders.

I am also concerned that this bill would further add confusion to voluntary confessions made by the juvenile offender, and could lead to unnecessary breakdowns of criminal investigations. There are serious outstanding concerns about how the process would work, which is why the California Sheriffs Association and the California District Attorneys Association remained firmly opposed.

Last year, you vetoed a similar bill by the same author, SB 1052. For these reasons, I respectfully request that you veto SB 395.

Sincerely,

A handwritten signature in black ink that reads "Jeff Stone".

Jeff Stone
State Senator, 28th District