April 14, 2015

**Re: AB 1343 (Thurmond)**

**Position: SUPPORT**

The Honorable Tony Thurmond

State Capitol, P.O. Box 942849

Sacramento, CA 95814

Fax: (916) 319-2115

Dear Assembly Member Thurmond:

The [name of your organization] sponsors and supports AB 1343 (Thurmond). This provision codifies U.S. Supreme Court and California court decisions that hold that defense counsel must provide a noncitizen defendant with affirmative and competent advice on the immigration consequences of a proposed disposition, in order to provide effective assistance of counsel in a criminal case. To ensure that immigration consequences are effectively considered, the bill also provides that both the prosecution and defense should consider immigration consequences as a factor in plea negotiations, in order to reach a just and fair resolution.

In *Padilla v. Ken­tucky,* 559 U.S. 356 (2010), the U.S. Supreme Court held that the Sixth Amendment requires defense counsel to provide affirmative and competent advice to noncitizen defendants regarding the potential immigration consequences of their criminal cases. This conforms with California court decisions, which have held that defense counsel must investigate, advise regarding, and defend against, potential adverse immigration consequences of a proposed disposition. In order for the consideration of immigration consequences to have meaning, it is important for both the prosecution and defense to consider immigration consequences in plea negotiations. The U.S. Supreme Court sanctioned this practice, stating that “informed consideration of possible deportation can only benefit both the State and noncitizen defendants during the plea-bargaining process.” *Padilla*, 559 U.S. at 373.

These consequences are especially devastating to an immigrant-rich state like California, where one out of every four persons is foreign-born and mixed citizen/immigrant families are the norm. For example, one out of every two children in California lives in a household headed by at least one foreign-born person, and the great majority of these children are U.S. citizens.

Thousands of California families are destroyed each year by deportations. In many cases, these consequences could have been avoided or mitigated had the immigration consequences been considered in the criminal case. The result is disproportionate punishment, where immigrants are essentially punished twice for the same offense, with the immigration consequences often being worse than the criminal punishment.

California has a legacy of statewide policies that support immigration reform.  In the face of Congressional gridlock, this legislation continues our state's legacy as a leader in responsive and effective immigration policy reform by ensuring that immigrants receive competent and effective legal assistance and fair treatment in our state system.

For these reasons, we support AB 1343. Thank you for your leadership on this matter.

Sincerely,

[Signature]

[Name]

[Org and Title]