



## SELECTIVE POLICY WINS IN CALIFORNIA (2016-2022)

CONCENTRATING ON HOW CRIMINAL LAW IMPACTS IMMIGRATION STATUS, IMMIGRATION ENFORCEMENT, AND IMMIGRANT YOUTH

### CALIFORNIA

**2016.** [CA Pen. C. 1016.2](#). Legislative findings protecting the rights of immigrant defendants. We passed legislative findings and declarations recognizing CA's interest in avoiding the outsized criminal consequences of criminal convictions.

**2016.** [CA Pen. C. 1016.3](#). Establish an immigrant defendant's right to defense counsel advice and prosecutorial consideration of immigration consequences. We created a law codifying defense counsel's legal obligation to provide advice of the immigration consequences of a charged offense, and created a new legal obligation on all prosecutors to avoid immigration consequences in favor of alternatives whenever possible.

**2016.** [CA Pen. C. 1203.43](#). Post-conviction relief for dismissed convictions. Created a law allowing people to erase old convictions where they had been misadvised about the impact of a dismissal.

**2016.** [CA Probate Code 1510.1](#). Expanding access to special immigrant juvenile status (SIJS) in California. We co-sponsored and helped draft and lead advocacy to pass a law in California that allows youth over the age of 18 to access SIJS - a life-changing path to immigration status for young people under the age of 21 who have experienced parental abuse, neglect, or abandonment.

**2016.** [CA Welf. & Inst. Code 831](#). Ensuring confidentiality of juvenile records regardless of immigration status. We co-sponsored and helped draft and lead advocacy to pass a law in California making clear that juvenile confidentiality laws prevent juvenile probation departments from sharing information with Immigration & Customs Enforcement (ICE). This law has effectively ended the pipeline from juvenile delinquency courts to ICE in California.

**2017.** [CA WIC 13302-13306](#). Budget advocacy to devote more than \$70 million a year to immigrant legal services including deportation defense. Secured more than \$70 million a year--which has increased now to more than \$100 million--to fund nonprofit immigrant legal services efforts throughout the state.

**2017.** [CA Pen. C. 1473.7](#). Post-conviction relief. Created a first-of-its-kind opportunity for people no longer in jail or prison to erase old convictions when (1) the immigrant defendant did not understand the immigration consequences of the conviction; or (2) the defendant had newly discovered evidence of actual innocence. Helped thousands of immigrants avoid deportation or return to US after erasing the immigration harmful conviction.



**2017.** [Cal Govt C. 7310](#), et al. Dignity not Detention I. We authored a law to create the first state-mandated, state-funded inspection, and oversight of immigration detention centers. This provision successfully survived a challenge by the Trump administration. This law also limited the ability of local sheriffs to facilitate the expansion of immigration detention in the State.

**2018.** [Cal Civil C. 1670.9](#). Dignity not Detention II. We co-sponsored a law to limit the ability of local cities and counties to expand private detention in the state, and to provide the opportunity for the public to organize on matters related to private incarceration.

**2018.** [Cal Govt C. 7282](#), et al. Sanctuary Law. In tandem with other Co-Sponsors, we passed what was at that time the strongest, most expansive sanctuary law in the nation. This law prohibited law enforcement from cooperating with ICE in certain cases, protecting Californians from detention and deportation.

**2019.** [CA Pen. C. 1473.7](#). Post-conviction relief, amendments. Among other things, expanded opportunity to erase

convictions for relief to people who were misadvised by courts about the immigration impact of participation in diversion programming.

**2019.** We advised Santa Clara County counsel, district attorney, and board of supervisors on the legal and policy issues in defense of Santa Clara County’s sanctuary policy (one of the strongest policies in the nation). We worked in partnership with community groups to provide public comment, craft talking points, submit legal and policy letters, and engage allies in ultimately defending this critical gold standard among sanctuary laws. Santa Clara’s policy was at serious risk of being diluted, which as one of the oldest and strongest such laws, would have had national significance.

**2020.** [Cal Penal C. 5003.1](#). People not Prisons. We worked with community groups to author and pass the first outright ban on private incarceration in the nation. This law prohibits all private incarceration from operating in California, including in the immigration context, and has spurred copycat legislation across the nation. This law was challenged by the Trump administration and is currently pending at the Ninth Circuit Court of Appeals.

**2021.** [AB 1140](#). Unaccompanied Immigrant Child Protection Act. We co-sponsored legislation to ensure that detained immigrant children receive the same care and protection as other children in California in state-licensed settings, including access to the Foster Care Ombudsman to make complaints, and personal rights while detained.

## PENDING IN CALIFORNIA

**2023.** [AB 2169](#). Record clearance for survivors of trafficking and intimate partner violence. Prior laws created a mechanism for survivors of trafficking and intimate partner violence to erase arrests and convictions obtained during the period of trafficking and/or violence. This law would ensure that immigrant survivors can erase their convictions as well, allowing them to avoid deportation and open up new pathways to legalize their status.

**2023.** [AB 2195](#). Alternative to drug offenses. Drug convictions can cause serious barriers to immigrants and citizens, making an immigrant deportable and barring citizens from federal housing. This bill would create a non-drug offense alternative to permit people to avoid the devastating collateral consequences of drug crimes.

**2023.** [AB 1766](#). CA Identification Card for All. Prior laws (AB60) expanded access to a driver’s license to all. This bill closes some gaps and ensures those unable to access an AB60 license – in particular, women, elders, and people with disabilities – both documented and undocumented - can nonetheless secure a California ID. Securing a CA ID provides critical access to things like opening a bank account, obtaining benefits, accessing healthcare, securing housing, and much more.



## NON-CALIFORNIA

**[Utah Automated Clean Slate Law.](#)** ILRC worked closely with law drafters to ensure that this first-of-its-kind legislation--automating record clearance--improved outcomes for, and avoided negative consequences to, the impacted immigrant population.

**[Colorado Automated Clean Slate Law.](#)** ILRC worked closely with law drafters to ensure that this legislation--automating record clearance--improved outcomes for, and avoided negative consequences to, the impacted immigrant population.