

CALIFORNIA CRIMINAL AND IMMIGRATION LAWS PASSED¹

November 22, 2017

Bills Signed into Law in the 2014-2017 Legislative Sessions

Misdemeanor Sentencing, Penal Code § 18.5(a) (SB 1310, Lara). Signed into law in 2014, provides that as of January 1, 2015, all misdemeanor crimes shall have a maximum possible sentence of no more than 364 days. Because of technicalities in immigration law, this helps thousands of immigrants overcome the threat of deportation, ineligibility to naturalize, and inability to obtain legal status. Sponsored by Coalition for Humane Immigrant Rights Los Angeles (CHIRLA), California Attorneys for Criminal Justice (CACJ), Californians for Safety & Justice (CSJ), Latino Coalition for Healthy Communities, and MALDEF.

Retroactive Misdemeanor Sentencing, Penal Code § 18.5(b) (SB 1242, Lara). Signed into law in 2016, provides that for convictions from before January 1, 2015, all misdemeanor crimes shall have a maximum possible sentence of no more than 364 days, and permits a person who previously was sentenced to 365 days on a misdemeanor to ask the judge to reduce the sentence by one day. Sponsored by CHIRLA, CACJ, Immigrant Legal Resource Center (ILRC), Los Angeles District Attorney's Office, and MALDEF.

Preventing Unintended Immigration Consequences for Certain Drug Offenses, Penal Code § 1203.43 (AB 1352, Eggman). Signed into law in 2015, ends unintended federal and immigration consequences for certain drug offenses such as simple possession, for immigrants and others who have successfully completed a drug program called Deferred Entry of Judgment. Sponsored by ACLU, Drug Policy Alliance (DPA), CHIRLA, Human Rights Watch, ILRC, MALDEF, and National Council of La Raza (NCLR).

Deferred Entry of Judgment: Pretrial Diversion, (AB 208 Eggman). Signed into law in 2017, eliminates federal consequences, including immigration, for certain minor drug offenses by establishing a pretrial diversion program that does not require a guilty plea. Sponsored by ACLU, CHIRLA, DPA, ILRC, and MALDEF.

Ensuring Due Process for Immigrant Defendants, Penal Code § 1016.2 & 1016.3 (AB 1343, Thurmond). Signed into law in 2015, safeguards due process for immigrants in the criminal legal system by ensuring that immigrants are provided access to fair, honest, and competent legal advice to protect against the disproportionate impacts that a criminal offense can have on an immigration case. Requires prosecutors to consider the immigration consequences of a criminal plea and disposition. Sponsored by the ILRC.

One California (Budget 2017). State funds allocated to organizations representing immigrants in deportation proceedings, prioritizing immigrants that are detained, and providing ongoing and updated immigration resources for criminal defenders across the state so they can more effectively represent noncitizen defendants in criminal court.

¹ This summary was written by the Immigrant Legal Resource Center. For ongoing updates on this practice advisory, please visit www.ilrc.org. For questions regarding the content of this advisory, please contact Angie Junck at ajunck@ilrc.org.

Juvenile Confidentiality, Cal. Welf. & Inst. Code § 831 (AB 899, Levine). Signed into law in 2015, protects youth in the youth justice system from the fear of deportation and other federal penalties by protecting their records from unauthorized disclosure to federal officials, including immigration officials. Sponsored by the ILRC and Public Counsel.

Prohibit Sharing Gang Database Information, (AB 2298, Weber). Signed into law in 2016, requires notice to an individual before being placed on a gang database, makes the database accessible to the public, and provide a mechanism for individuals to challenge erroneous designation. Sponsored by CHIRLA, National Immigration Law Center (NILC), Policy Link, Urban Peace Institute, and Youth Justice Coalition.

Fair and Accurate Gang Databases, (AB 90 Weber). Signed into law in 2017, makes the Department of Justice responsible for administering and overseeing any shared gang database, requires the department to promulgate regulations governing the use, operation, and oversight of any shared gang database (including a prohibition on disclosing information in a shared gang database for purposes of enforcing federal immigration law), and imposes a moratorium on the use of the CalGang database commencing January 1, 2018, until the Attorney General certifies that specified information has been purged from the CalGang database, among other changes. Sponsored by Youth Justice Coalition, CHIRLA, NILC, Policy Link, and Urban Peace Institute.

Post-Conviction Relief, Penal Code § 1473.7 (AB 813, Gonzalez). Signed into law in 2016, provides a means for people who are no longer in criminal custody to erase legally invalid convictions. This will give thousands of immigrants the opportunity to challenge convictions where they were unaware of the immigration consequences, opening up new options to remain in the country, where before there were none. Sponsored by ACLU, CACJ, California Public Defender Association (CPDA), and ILRC.

Immigrant Rights in Local Jails, TRUTH Act (AB 2792, Bonta). Signed into law in 2016, establishes *Miranda*-type advisals prior to ICE interviews in jails and a transparent process when it comes to local law enforcement's participation in Immigration and Customs Enforcement (ICE) deportation programs. Sponsored by Asian Americans Advancing Justice-California, ACLU, California Immigrant Policy Center (CIPC), ILRC, MALDEF, and National Day Laborer Organizing Network (NDLON).

California Values Act, (SB 54 De Leon). Signed into law in 2017, ensures the state of California is not complicit in the business of deportation by limiting cooperation between local and state law enforcement and federal immigration authorities. Among its many provisions, SB 54 will make immigration holds, 287(g) contracts, inquiring about immigration status and using ICE agents as interpreters, unlawful in every circumstance. It also places limits on the use of notification requests and transfers to ICE in certain circumstances, extends due process protections to ICE interviews in state prisons, and directs the Attorney General to create model policies for protecting certain spaces such as shelters, schools, health facilities, and others from immigration enforcement.

Dignity not Detention Act, (SB 29 Lara) & (AB 103). Signed into law in 2017, SB 29 coupled with AB 103 will check immigration jail growth by prohibiting new immigration detention contracts and placing expansion restrictions on certain existing contracts. AB 103 also provides the first state-funded mandate to review all facilities. The Attorney General will conduct reviews of all immigration jails and all reports will be made public with the first due on March 1, 2019. SB 29 was sponsored by ILRC and CIVIC.