



## FOR IMMEDIATE RELEASE

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## Governor Brown Signs Reforms Upholding Rights of Immigrants Impacted by Criminal Legal System

*Bills to Provide a Much-Needed Reprieve for Immigrants Facing Possible Deportation*

**SACRAMENTO, CA** —Through our efforts in California to pass Assembly Bill 813 (AB 813) and Senate Bill 1242 (SB 1242), as well as our work nationally through our #FIX96 campaign, the ILRC is committed to moving a policy reform agenda that mitigates or eliminates the devastating impact criminal convictions can have on immigrant communities.

SB 1242, authored by Senator Ricardo Lara, amends existing California law to ensure that all misdemeanor crimes retroactively have a maximum possible sentence not exceeding 364 days. By minimizing the chances that misdemeanor convictions will lead to deportation or prevent someone from obtaining legal status, SB 1242 is poised to have life-changing impacts on immigrant families across the state.

*“SB 1242 rights a failure of our justice system that immigrants in California, including lawful permanent residents, face due to our punitive and broken immigration system. It will ensure that those with long-ago convictions, people woven into the fabric of our communities, are not deported simply due to a discrepancy between state and federal law,”* said **Angie Junck**, Supervising Attorney at the Immigrant Legal Resource Center.

As a result of misalignment between federal law, tens of thousands of Californian immigrants were being subject to unnecessary deportations. Two years ago, SB 1310 (also authored by Senator Lara) became law and fixed that discrepancy; today, SB 1242 builds upon its success to give immigrants convicted of misdemeanors prior to 2015 the benefit of this sentencing fix, ensuring that long-time Californians with long-ago convictions are not swept up in the deportation dragnet.

AB 813, authored by Assemblywoman Lorena Gonzalez, will provide California criminal courts with an avenue to hear challenges to the legal validity of a criminal conviction after the case has expired and the person is no longer in custody. Now, under AB 813, people who have claims of actual innocence, or individuals whose attorneys failed to warn them about the immigration consequences of a plea deal, have a way of challenging those convictions. This is an essential step for the most immigrant populated state in the country which, for years, has subjected people to permanent lifetime banishment as a result of unlawful convictions. Through the passage of AB 813, California has now aligned itself with 44 other states and the entire federal court system by allowing people who are no longer in criminal custody to challenge their unlawful convictions.

By allowing anyone **-citizen or noncitizen-** to raise a claim of actual innocence, and creating a special provision to address the uniquely devastating impact of convictions on immigrants, AB 813 is a model of what our future reform efforts should look like: holistically-minded policy changes that unite the unique harms experienced by each community in a single, streamlined solution.

*“AB 813 ensures that fewer people—immigrants or otherwise—suffer the lifelong devastation caused by an unlawful and unconstitutional conviction. It adds teeth to the constitutional promise of effective assistance of counsel. If we are to truly secure justice for all, we have to ensure that all people have recourse when the system has unjustly wronged them,”* said **Rose Cahn**, Criminal and Immigrant Justice Attorney at the Immigrant Legal Resource Center.

As co-sponsors of AB 813, founders of the only pro-bono immigrant post-conviction relief project in the country, and as one of the oldest nonprofits in the state devoted to training and developing California’s immigrant and criminal legal service

providers, we look forward to implementing AB 813 as soon as it is enacted. We have plans to train advocates in both the criminal defense and immigrant legal services communities in how to effectively litigate and win claims under AB 813 and they can use SB 1242 to protect their clients from deportation.

We will continue to advocate with and on behalf of immigrants with criminal convictions, a community too often ignored or maligned in discussions of immigration reform.

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**About the Immigrant Legal Resource Center**

*The Immigrant Legal Resource Center (ILRC) is a national nonprofit that works with immigrants, community organizations, legal professionals, law enforcement, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training & technical assistance, and policy development & advocacy, the ILRC's mission is to protect and defend the fundamental rights of immigrant families and communities. [www.ilrc.org](http://www.ilrc.org)*