

For Immediate Release: October 15, 2017

Contact: Christina DiPasquale, christina@balestramedia.com, [202.716.1953](tel:202.716.1953)

Governor Brown Protects California Immigrants, Preventing Needless Deportations and Advancing Smart Drug Policy Reform

New Law Mitigates Federal Immigration Consequences of Misdemeanor Drug Offenses

SACRAMENTO -- Today, Governor Brown signed into law AB 208 which will amend current California law so that immigrants can safely access drug rehabilitation programs for misdemeanor drug offenses without the fear of being exposed to deportation. The new law allows individuals to enroll in pre-trial diversion programs instead of requiring them to plead guilty first and then seek dismissal of their case once they have completed the program.

In California, a process called deferred entry of judgment allows residents who are charged with a simple drug possession offense and meet other qualifications to go into drug counseling instead of jail, and to have a clean slate if they successfully complete it -- after they plead guilty. Noncitizens, however, are at risk of accepting deferred entry of judgment because of the immigration consequences under federal law; a guilty plea under federal law exposes noncitizens to deportation and permanent family separation even before they have the time to complete a drug rehabilitation program.

Angie Junck, Supervising Attorney at the Immigrant Legal Resource Center, issued the following statement:

“California continues to lead the country protecting immigrant communities and advancing smart and humane drug policy reform. AB 208 helps close the gap between our advancements and an outdated and severe federal justice system, and moves us closer to realizing our country’s founding principle of equal justice for all.

“Governor Brown’s commitment to protecting California families and supporting policies that defend against the Trump Administration’s anti-immigrant zeal is needed now more than ever. With AB 208 in effect, California residents who live with substance abuse and incur certain drug charges now have the opportunity to complete a drug program without the risk of deportation and permanent family separation. The Immigrant Legal Resource Center will continue working to keep families together by advancing policies that ensure everyone’s fair and equal treatment under the law.”

The ILRC is a co-sponsor of AB 208 and helped draft the legislation. The organization advises California criminal defenders and immigration advocates on the immigration consequences of California offenses. The ILRC also trains and consults with California prosecutors and criminal court judges regarding how immigration law intersects with the criminal legal system.

For interviews with Immigrant Legal Resource Center please contact Christina DiPasquale at christina@balestramedia.com or [202.716.1953](tel:202.716.1953).

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The Immigrant Legal Resource Center (ILRC) is a national nonprofit that works with immigrants, community organizations, legal professionals, and policymakers 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