



## California Criminal Justice Reform Efforts

In 1996 the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) was enacted, which criminalized immigration. This law severely reduced due process in immigration proceedings, instituted mandatory and prolonged detention, expanded the definition of “aggravated felony” to broaden the grounds of inadmissibility and deportability, and established the 287(g) program, which is the genesis of current collaboration between law enforcement and immigration authorities. After the passage of these laws scholars have coined the term “crimmigration,” a reference to the intersections of both of these systems.

Before 1996, “aggravated felony” referred to individuals that committed serious and violent offenses. However, this definition was broadened and included minor crimes such as tax evasion, forgery, perjury, or receipt of stolen property. Individuals who had been convicted of a crime defined as an aggravated felony, regardless of whether they had entered the country legally or without proper documentation, whether they were long-time Legal Permanent Residents (“green-card holders”/LPRs) or short-term temporary workers, or unauthorized immigrants who had been working or staying illegally in this country are subject to deportation and ineligible for discretionary relief. Before 1996 immigrants convicted of an aggravated felony had an opportunity to go before a judge, who would consider their positive contributions, impact to their families, and time they have been without any convictions.

Today, the Trump administration has hijacked the enforcement system, enhanced it, and furthered its scope to implement harsher and inhumane policies. In 2017 the Trump Administration’s Executive Order: “Enhancing Public Safety in the Interior of the United States” eliminates due process, criminalizes immigrants, and creates the hazard of unreported crimes due to fears of deportation, especially among undocumented immigrants.

CHIRLA has sought to mitigate the impact of 1996 immigration law by reforming California’s penal code to utilize resources to reform and provide a path to redemption. The following are laws, which reformed our penal code and CHIRLA, played a leadership role in advancing those proposals.





- ❖ SB 1310 (2014, Lara) – Changes misdemeanors sentencing to a maximum of 364 days.
- ❖ AB 1352 (2015, Eggman) – Ends unintended immigration consequences for immigrants who successfully complete deferred entry of judgment programs, which are alternatives to court proceedings that allow offenders to participate in drug rehabilitation treatments
- ❖ AB 2298 (2016 Weber) – Creates a transparent and accountable process for the usage of shared databases that classifies individuals as potential gang members.
- ❖ SB 1242 (2016, Lara) – In 2014 in California the maximum sentence for a misdemeanor was reduced from 365 days to 364 days. This bill seeks to ensure that this law is effective retroactively.
- ❖ AB 208 (2017, Eggman) - Provides a pre-plea diversion program instead of post-plea diversion program when someone is being convicted of a minor drug offense such as drug possession.
- ❖ AB 2845 (2018, Bonta) – Modernizing Pardon Process – Reforms the current pardon process by creating a pardon panel which d takes into consideration potential adverse immigration consequences.
- ❖ SB 1393 (2018, Mitchell) – Fair and Just Act – Provides the judge with discretion when deciding to enforce a five-year sentence enhancement. Under this bill, judges would still be allowed to give enhancements.
- ❖ SB 136 (2019, Wiener) – Sponsors – Continues to advance smart public safety models by repealing one-year sentence enhancements for those with prior offense

