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NCLR: New California Law Will Help Bring Justice Back into Drug Sentencing for all Californians

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LOS ANGELES—Today, NCLR (National Council of La Raza) heralded the passage of AB 1352, which will help lessen disparate consequences in cases involving minor drug offenses, due to immigration status. NCLR co-sponsored the bill, championed by Assemblywoman Susan Talamantes Eggman, along with the ACLU, the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA), the Drug Policy Alliance, the Immigrant Legal Resource Center and the Mexican American Legal Defense and Education Fund (MALDEF).

The new law will correct misalignment between state and federal laws that did not protect U.S. citizens and noncitizens from federal consequences. Current California law provides for Deferred Entry of Judgment (DEJ) for minor drug offenders who, after pleading guilty and successfully completing the court ordered drug programs, get their records expunged. However, due to a misalignment between state and federal laws, this does not protect U.S. citizens and noncitizens from federal consequences—for an offense that the state of California no longer deems to exist. AB 1352 will allow individuals who have successfully completed drug diversion programs in the past to withdraw former guilty pleas. This bill will help prevent triggering federal mandatory detention or deportation for permanent residents and undocumented immigrants.

“We are proud to have been part of this important effort to bring some measure of justice back to those disproportionately and unfairly affected by the state’s drug sentencing laws. With the passage of this new law, one more step toward smart and just policy has been taken. Families no longer have to fear being torn apart because of a low-level drug offense conviction, and those who fulfill their programs will have a better chance to become productive members of society,” said Delia de la Vara, Vice President, California Region, NCLR.

NCLR worked vigorously, along with its extensive nonprofit Affiliate Network in the state, which includes organizations like Center for Employment Training, El Concilio, La Maestra Community Health Centers, MAAC, Montebello Housing Development Corporation, Mexican American Opportunity Foundation, and Visionary Home Builders, to push for a change in the laws that unfairly and unjustly led to the separation of thousands of families in the state.

AB 1351, a measure that was part of the same effort, was vetoed by the Governor. “NCLR is disappointed at the Governor’s veto of AB 1351, which would have also helped to further lessen disparate punishment. We will, however, continue to work towards a criminal justice system where all people are treated equally, regardless of their race, ethnicity, or immigration status.”

NCLR—the largest national Hispanic civil rights and advocacy organization in the United States—works to improve opportunities for Hispanic Americans. For more information on NCLR, please visit www.nclr.org or follow along on [Facebook](#) and [Twitter](#).

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