



CaliforniaCivilLiberties.org

California Civil Liberties Advocacy
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Monday, March 6, 2017

Assemblymember James Gallagher
P.O. Box 942849
Room 2158
Sacramento, CA 94249-0003

RE: Assembly Bill 298

Dear Assemblymember Gallagher,

The California Civil Liberties Advocacy (CCLA) wishes to express its **OPPOSITION** to AB 298.

First, AB 298 appears to be modeled after the immigration policies of the current federal administration, which have thus far exposed the inexperience, constitutional incompetence, and fear-mongering of the current federal leaders behind those policies. It is disappointing to see a lawmaker in California following a similar path that ignores the available evidence and paints everyone that would be effected by this bill with the same overbroad brush.

AB 298 presumes that all persons with a felony conviction are the same; that all are career criminals. The CCLA strongly believes that for society to thrive, it is crucial not to treat everyone with a conviction in this manner. Presuming that every undocumented immigrant (or any other person for that matter) with a felony conviction is a career criminal ignores many other factors, such as a person's age at the time of the offense or the presence or absence of previous convictions, and other potentially mitigating factors considered when the case was adjudicated. Furthermore, handing over all detainees with a prior offense described in Penal Code section 667.5 to immigration officers could result in deportations of people with convictions for petty offenses, some which may now be reduced to misdemeanors under the provisions of Prop 47, approved by the voters in 2014. Coupled with the fact that some "violent felonies" under section 667.5 need not involve actual violence, then it appears the intent of AB 298 is more of a self-righteous witch-hunt than a campaign for public safety.

*"Indifference to personal liberty is but the precursor of the state's hostility to it."
— Justice Kennedy, U.S. Supreme Court*

AB 298 also ignores the fact that many undocumented immigrants were children when they were brought to the United States by their parents. According to the Migration Policy Institute, in the year 1990, there were 623,486 undocumented children between the ages of 6 and 17 in California, and 131,208 under the age of 6. (Migration Policy Institute, State Immigration Data Profiles: California <<http://www.migrationpolicy.org/data/state-profiles/state/demographics/CA>> (as of Mar. 6, 2017) hereafter Migration Policy Institute.) According to the same sources, in the year 2000, there were 648,472 undocumented children between the ages of 6 and 17, 104,038 under the age of 6; and in the year 2015, there were 341,152 between the ages of 6 and 17, and 58,848. (Immigration Policy Institute.) Having come to the United States at such an early age, these children would have grown up as Americans—even Californians—and adopted American language and customs, and would for all intent and purposes are “Americans.” Having a conviction on one’s record should not preclude them from correcting for their former misdeeds and having the opportunity to lead a productive life — the same opportunity all people with criminal records are afforded. Having been brought to the United States as a child and then ending up on the wrong side of the law in no way justifies banishing such ones to a country they do not recognize as their home, with no path to restoration or citizenship.

Finally, in addition to all the aforementioned defects of this bill, AB 298 strips local law enforcement officers of the ability to use their own experience and good judgment to decide how such cases should be handled. Not all jurisdictions are the same and local officers should be able to exercise the discretion afforded by current law.

Due to all of the foregoing reasons, the CCLA **OPPOSES** AB 298 unless amended to address these concerns.

Respectfully,



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Cc: Assembly Public Safety Committee