



PREVENTING VIOLENCE
AND DEVELOPING
YOUTH LEADERS

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March 16, 2022

The Honorable Reginald Jones-Sawyer
Chair, Assembly Public Safety Committee
1021 O Street, Ste. 5210
Sacramento, California 95814

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Executive Director
Youth ALIVE!
Oakland, CA

Re: Support for AB 2195 (Jones-Sawyer) The Alternate Plea Act

Dear Chairman Reginald Byron Jones-Sawyer:

On behalf of Youth ALIVE!, I write in support of AB 2195 (Jones-Sawyer): The Alternate Plea Act to create an alternative plea for those charged with certain drug offenses, that maintains the same exposure to criminal penalties while avoiding some of the most severe collateral consequences. Prosecutors will have the discretion to offer this alternative plea on a case-by-case basis and only at the request of the defense counsel. As a safeguard for defendants, the bill does not permit this alternative plea to be affirmatively charged.¹

AB 2195 (Jones-Sawyer) provides an efficient and appropriate mechanism to protect individuals from the lifelong collateral consequences of a drug conviction, helps preserve court resources, and keeps courts running efficiently by allowing the early resolution of certain drug cases.

Youth ALIVE! is a nationally recognized community-based organization known for initiating an international alliance to treat violence as a public health crisis and developing young leaders in the process. Tasked as Oakland’s anchor organization for violence prevention, intervention, and healing, Youth ALIVE! has maintained a successful track record of implementing evidence-based violence intervention and prevention services. Our decades of experience serving victims of gun violence, and our understanding of the intergenerational impacts of mass incarceration and family separation informs our support of AB 2195.

Drug possession is the most arrested offense in the U.S. with an arrest every 23 seconds.² In fact, in 2019, out of the 1.5 million people arrested for drug offenses nationwide, 87% of them were for possession.³ Drug offenses continue to disproportionately impact low-income people, immigrants, and communities of

¹ This bill amends PC 370 to create PC 372.5, which will only serve as a substitute plea for a drug charge that can be offered after a negotiation between the defendant and the prosecution.

² Drug Policy Alliance. Drug Decriminalization. Retrieved from <https://drugpolicy.org/issues/drug-decriminalization>

³ The Pew Charitable Trusts. (2022, February 15). *Drug Arrests Stayed High Even as Imprisonment Fell From 2009 to 2019*. Retrieved from <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2022/02/drug-arrests-stayed-high-even-as-imprisonment-fell-from-2009-to-2019>



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color. A drug conviction can destabilize the life of a person by blocking access to essential resources, such as housing, obtaining professional licenses, and can jeopardize parental rights. Although California policy is to promote successful re-entry and rehabilitation of drug users, collateral consequences are often the factor that blocks this effort.

For California's large non-citizen population, drug convictions can have devastating consequences, which can result in the permanent separation of families. Even low-level convictions such as infractions or misdemeanor possession can subject immigrants to mandatory ICE detention and deportation, and can bar eligibility for most forms of immigration relief.

In 2021, the Supreme Court's opinion in [*Pereida v. Wilkinson*, \(2021\) 141 S.Ct. 754](#), made the situation for immigrants far worse. The court's opinion overturned Ninth Circuit's precedent and eliminated the last immigration-neutral plea option for a drug charge in California criminal proceedings (which was to plead guilty to a drug offense, but not to identify the specific substance in the record).

The decision in *Pereida* has left noncitizen defendants facing possible drug convictions with no viable alternative defense in criminal court that can avoid deportation other than to persuade the prosecutor to drop the charges or offer pre-plea diversion, or to opt for a jury trial. As a result, prosecutors have no discretion, even when they believe that the best way to fulfill their duty would be to prevent a defendant from facing immigration or other collateral consequences in a specific case.

As California continues to address the historic and discriminatory impacts of the drug war, AB 2195 (Jones-Sawyer) provides a much needed tool for both defense and prosecutors to use when working to resolve individual cases. For these reasons, Youth ALIVE! supports AB 2195 (Jones-Sawyer).

Sincerely,

A handwritten signature in blue ink, appearing to read "Anne Marks".

Anne Marks
Executive Director

cc: Office of Assemblymember Jones-Sawyer c/o Jessica.Zaragoza@asm.ca.gov
Norma Palacios, Drug Policy Alliance npalacios@drugpolicy.org