



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
SACRAMENTO LEGISLATIVE OFFICE

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June 8, 2022

The Honorable Reggie Jones-Sawyer
California State Assembly
1021 O Street, Suite 5210
Sacramento, CA 95814

ASSEMBLY BILL 2195 (JONES-SAWYER)
SUPPORT

Dear Assembly Member Jones-Sawyer:

The Los Angeles County District Attorney's Office is pleased to support Assembly Bill 2195.

AB 2195 gives the prosecution the ability to offer an alternative plea to a defendant charged with unlawfully cultivating, manufacturing, transporting, giving away, selling, or possession or use of a drug, or possession or use of drug paraphernalia.

Under current federal law, a conviction for a drug offense carries wildly disproportionate collateral consequences for non-citizen defendants. These collateral consequences impact an individual's ability to work, to attend school, and can even lead to their deportation or denial of naturalization.

Recognizing that these consequences may be undesirable to the community at large, as well as being wildly disproportionate to the offense itself, many prosecuting agencies are willing to consider a non-drug charge as an alternative disposition. The problem, up to now, is that the Penal Code does not contain a readily available alternative charge for the parties to agree upon.

AB 2195 addresses this issue by creating a non-drug offense that with the prosecution's consent can be substituted for a charged drug offense. AB 2195 gives the prosecution the discretion to offer a defendant a negotiated disposition, on a case by case basis, whereby the defendant can plead to a charge of committing a public nuisance, in lieu of a drug charge. Generally, a conviction for maintaining or committing public nuisance will not result in harmful immigration consequences such as mandatory immigration detention. Thus, the public nuisance conviction would carry the same criminal penalty as the "dropped" drug charge, without triggering the collateral consequences for immigrants and non-citizens.

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Additionally, Defendants obtaining relief from the public nuisance conviction would still be required to perform all conditions typical of the “dropped” drug charge. For example, AB2195 would not prohibit a court from imposing drug related conditions or penalties. Courts would still hold wide discretion in sentencing defendants appropriately.

AB 2195 would save money by allowing defendants to plead guilty without risking draconian immigration consequences and would promote just and fair outcomes by allowing prosecutors to tailor the consequences of the plea to the individual defendant.

If you have any questions or need additional information, please feel free to contact Daniel Felizzatto in my Sacramento Legislative Office at (916) 442-0668.

Very truly yours,

A handwritten signature in blue ink, appearing to read "George Gascón", written in a cursive style.

GEORGE GASCÓN
District Attorney