

Glossary of Relevant Terms and Penal Code Provisions

PC California Penal Code
HS California Health & Safety Code
VC California Vehicle Code

PC § 1203.4	California expungement (also PC § § 1203.41, 1203.4a). Does not erase a conviction for immigration purposes.
PC § 1203.43	Motion to invalidate a DEJ plea. Provides that the DEJ statute makes an affirmative misrepresentation to some defendants, including all noncitizens, because it promises that successful completion will result in no conviction and no loss of legal benefits. Statute allows a defendant who had charges dismissed under Pen C § 1000.3 to withdraw the guilty plea as being legally invalid.
DEJ	Deferred Entry of Judgement (under PC § 1000 et seq.) for minor drug offense convictions between Jan. 1, 1997 and Dec. 31, 2017. Defendant pleads guilty and is diverted to a drug education program. Charges are dropped upon successful completion of the program. BUT, due to the guilty plea, even successfully completed DEJ is a “conviction” for immigration purposes.
PC § 1203.3	Motion to early terminate probation.
PC § 1473.7.	Motion to vacate a conviction “due to a prejudicial error damaging the moving party’s ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a plea.” Error includes ineffective assistance of counsel or a defendant’s own failure to understand immigration consequences.
PC § 1016.5	Motion to vacate based on the court’s failure to give mandatory statutory advisement about potential immigration consequences of a plea.
Prop 36	Allows eligible defendants to have a conviction dismissed if they successfully complete a court-approved drug treatment program after a conviction for a nonviolent drug possession offense. Dismissal does not erase the conviction for immigration purposes. Not eligible for PC § 1203.43.
Prop 47	Felony to misdemeanor reduction for a person with no super-strikes convicted of a drug possession offense or property crime where amount was less than \$950.
PC 17(b)	Felony to misdemeanor reduction for a person convicted of a “wobbler” felony (an offense that can be charged as a felony or misdemeanor) and sentenced to jail/probation (not prison/parole).
Prop 64	Legalized some conduct involving marijuana. Provided some post-conviction relief to reduce or eliminate older convictions relating to conduct that is now legal. Contains promising “legally invalid” language, but it is not yet clear that immigration authorities will accept this as eliminating a prior drug conviction.