

AB 1343

AB 1343, codified at Penal Code sections 1016.2 and 1016.3, became effective on January 1, 2016. This new law safeguards due process for immigrants in the criminal justice system by ensuring that immigrants are provided access to fair, honest, and competent legal advice.

What this means for community

Through AB 1343, the Legislature recognizes the devastating immigration impact that criminal charges can have on noncitizens and their families. It recognizes that such consequences, including deportation, may be avoided if they are considered in the plea negotiation process.

What this means for defense attorneys

AB 1343 affirms current law that defense attorneys must give noncitizen immigrants affirmative and accurate advice on the immigration consequences of a criminal disposition and defend against those consequences if the immigrant requests.



TIP: Use this law as a basis to gain additional structural support or resources for local public defender offices to provide accurate advice on the immigration consequences of criminal offenses.

What this means for prosecutors

Prosecutors, in the interests of justice, must consider (as one factor) the avoidance of immigration consequences in plea negotiations during criminal dispositions.



TIP: Use this law to urge district attorney offices to adopt proactive written policies regarding the consideration of immigration consequences.

