



AB 2596 (Bonta) – The VISION Act

Summary

AB 2596, the Voiding Inequality and Seeking Inclusion for Our Immigrant Neighbors (VISION) Act, would protect community members who have already been deemed eligible for release from being funneled by local jails and our state prison system to immigration detention. Prohibiting transfers to ICE protects Californians from being subjected to inhumane and unsanitary conditions in immigration detention where the COVID-19 virus has been rapidly spreading and harming people who are detained, staff, and subcontractors.

Background

When people are incarcerated, they are, by design, kept in very close quarters. This makes social distancing impossible and puts people at serious risk of contracting the highly transmittable and potentially deadly virus, COVID-19. The risk of contracting severe symptoms of the virus are heightened for people who are incarcerated because as a result of poor living conditions and inadequate medical care, people in prison tend to be far less healthy than the general public. For example, more than one in ten male and one in five female people in prison used medication to treat asthma in 2010—about double the rate among Californians. In addition, people of color are disproportionately represented in our state's prisons and ICE detention and are consequently at higher risk of contracting and dying from the COVID-19 virus.

The poor health outcomes of people who are incarcerated are compounded further when they are transferred by the California Department of Corrections and Rehabilitation (CDCR) and local jails to ICE detention facilities, which are notorious for medical neglect and unhygienic conditions. Given the rapid spread and lethal nature of COVID-19, ensuring that our community members return home can be a matter of life or death.

Tragically, CDCR and many local jails continue to transfer community members who have earned release to dangerous health conditions in immigration detention in the midst of this pandemic, even though California is under no legal obligation to assist the federal government with deportations. See *New York v. United States*, 505 U.S. 144, 188, 112 S.Ct. 2408 (1992) (“The Federal Government may not compel the States to enact or administer a federal regulatory program.”). While courts have ordered ICE to release some individuals through individual and class habeas petitions, these decisions will have little to no impact if ICE can simply replenish its detainee population through CDCR and local jail transfers. Indeed, as long as CDCR continues to voluntarily and unnecessarily hand over Californians to ICE facilities--where COVID-19 runs rampant and unchecked--many of our community members will face grave illness and death.

The need for the bill

In recent years, to defend against federal overreach and to protect our diverse

immigrant community from the inhumane conditions in immigration detention and the pain and suffering caused by deportations, California has made important progress in limiting local and state involvement in deportations through passage of the TRUST Act (AB 4), the Truth Act (AB 2792), and particularly the Values Act (SB 54).

However, these laws included compromises that left some of our neighbors and community members. As the Trump administration further steps up attacks on our immigrant communities to increase fear and tear apart immigrant families, and as our immigration detention facilities have become a tinderbox for COVID-19, California has an ethical and moral obligation to step up our leadership and take action to protect the rights of immigrants and the public health at large.

As long as CDCR and local jails continue to transfer community members to immigration detention where conditions are indisputably dangerous and even deadly, California cannot meaningfully stem the spread of COVID-19 and its destruction.

Solution

The VISION Act (AB 2596) takes urgent and necessary strides toward ensuring that our local and state tax dollars are not used to funnel immigrants into dangerous health conditions in immigration detention, violate Constitutional protections, and separate immigrant families and communities.

In particular, the VISION Act would:

→ build on recent criminal justice reforms that were enacted to provide an avenue

for relief to the draconian sentences imposed on youth who were tried as adults by prohibiting CDCR from holding, notifying or transferring to ICE individuals who have earned release after serving time in state prison for offenses committed as youth (25 years old or younger) under SB 260 (Hancock 2013), SB 261 (Hancock 2015), and AB 1308 (Stone 2017), and individuals who committed offenses as youth with determinate sentences.

- prohibit CDCR from transferring individuals who are particularly vulnerable to contracting severe forms of COVID-19, including people who are elderly and people with pre-existing medical conditions.
- prohibit CDCR parole agents from collaborating with ICE to funnel individuals who are on parole into immigration detention.
- prohibit CDCR from collaborating with ICE to place hold requests on individuals based a suspicion or information that the individual is foreign-born because this practice ensnares individuals who are US citizens and individuals who are not deportable.
- reduce further the number of Californians transferred into immigration detention and deportation by local and state law enforcement through cleaning up provisions and closing carve outs in the Values Act that some local law enforcement agencies have violated or exploited to continue working with and turning over immigrants to ICE.

Co-Sponsors

Alliance for Boys and Men of Color
All of Us or None
Asian Pacific Islanders Re-entry & Inclusion
through Support and Empowerment
Asian Americans Advancing Justice - California
Asian Prisoner Support Committee
AYPAL: Building API Community Power
California Coalition for Women Prisoners
Council on American-Islamic Relations
Center for Empowering Refugees and
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Community United Against Violence
Communities United for Restorative Youth
Justice
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Homies Unidos Inc.
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ICE Out of Marin
Immigrant Defense Project
Indivisible Conejo
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Interfaith Movement for Human Integrity
Legal Services for Prisoners with Children
Long Beach Immigrant Rights Coalition
National Day Laborer Organizing Network
Resilience Orange County
Services, Immigrant Rights & Education
Network
Secure Justice
Southbay People Power
VietRISE
Young Women's Freedom Center
Youth Justice Coalition

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