

# LA REGIONAL POLICY COMMITTEE UPDATE

June 2019

## JOIN THE COMMITTEE

For more information on local, state and federal policy issues, we invite you to participate in our monthly committee meetings (3<sup>rd</sup> Thursday of each month).

### Next meeting:

June 20, 2019  
10:00 a.m. – 11:30 a.m.  
Legal Aid Foundation of LA  
1546 W. 8<sup>th</sup> Street  
Los Angeles, CA 90017



## REDUCED TIMELINE FOR PROCESSING U VISA & T VISA CERTIFICATION REQUESTS

The U Visa and T Visa are forms of immigration relief that are defined and governed by federal law. However, state law (Penal Code §679.10) sets forth how Certifying Officials from state and local law enforcement agencies determine whether a victim cooperated with the investigation or prosecution of a qualifying crime and the timeline within which certification requests must be processed. Currently, Certifying Officials are required to process certification requests within 90 days of the request and within 14 days of the request if the person is in removal proceedings.

Assembly Bill 917 (Reyes) reduces the timeline for processing certification requests to within 30 days of the request or, if the person is in removal proceedings, within 7 days of the first business day after the request was received. The bill also requires that state and local law enforcement agencies provide a copy of the police report to the victim, victim's family member, victim's attorney, or victim's fully-accredited representative within 7 days of a request for the police report.

AB 917 was proposed by the Coalition for Humane Immigrant Rights, Los Angeles (CHIRLA) in response to increased immigration enforcement at the federal level, which has overwhelmed the immigration court system and made it imperative that those who qualify for immigration relief be able to access the resources needed to obtain this relief. The bill is being opposed by the California State Sheriff's Association due to the limits imposed on law enforcement discretion. The bill passed the Assembly and will be heard in the Senate Public Safety Committee on June 25, 2019.

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*For more information on the state legislation listed here, visit [leginfo.legislature.ca.gov](http://leginfo.legislature.ca.gov)*

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## PRETRIAL DIVERSION FOR PRIMARY CAREGIVERS

Senate Bill 394 (Skinner) allows courts to grant pretrial diversion to a criminal defendant if the defendant is the custodial parent or legal guardian of a minor child, resides in the same household as the child, and provides a significant portion of the care and financial support that the child needs. This would not apply to defendants charged with serious or violent felonies, as defined by state law. Moreover, the court must determine that the defendant will not pose an unreasonable risk of danger to public safety or to the minor child in their custody if allowed to remain in the community. The bill passed the Senate and will be heard in the Assembly Public Safety Committee on June 25, 2019.



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## CALIFORNIA COURT OF APPEALS DECISION RE: DOMESTIC VIOLENCE RESTRAINING ORDERS

On May 28, 2019, the California Court of Appeal (Second Appellate District) issued a published decision, holding that the existence of a Criminal Protective Order (CPO) is not a bar to the issuance of a Domestic Violence Restraining Order (DVRO). In *Lugo v. Corona*, a wife's application for a DVRO against her husband was denied by the family court on the grounds that a CPO was already in place. The Court of Appeal reversed the family court decision, acknowledging that criminal and civil protective orders may coexist and the issuance of one does not bar the other. Attorneys from the Los Angeles Center for Law and Justice and Sidley Austin represented the wife in her appeal.

## Contact Us

### LA Regional Policy Committee Co-Chairs

Nancy Volpert

Email: [nvolpert@jflsla.org](mailto:nvolpert@jflsla.org)

Minty Siu-Kootnikoff

Email: [msiu-](mailto:msiu-kootnikoff@thepeopleconcern.org)

[kootnikoff@thepeopleconcern.org](mailto:kootnikoff@thepeopleconcern.org)

## UPDATES ON PAST LEGISLATION & POLICY ISSUES

### Senate Bill 144 (Mitchell/Hertzberg): Potential Elimination of Funding for Local DV Programs

SB 144 eliminates various criminal fees, including mandatory fees imposed on individuals convicted of, and placed on probation for, a domestic violence offense. A portion of these criminal DV fees are used to fund local domestic violence programs. The California Partnership to End Domestic Violence (CPEDV) advocated to create an exception to the bill for criminal DV fees.

Although an exception was made for optional court-ordered fees payable to a domestic violence shelter, the mandatory \$500 fee is still included in the bill and is the primary DV fee that goes towards funding local programs. The authors of the bill are from the Los Angeles Area. Moreover, the bill will be heard in the Senate Public Safety Committee on June 25, 2019, which includes Senators from the Los Angeles area. If you are interested in expressing your opinion about the bill to your local representatives, please contact Marci Fukuroda at [mfukuroda@rainbowservicesdv.org](mailto:mfukuroda@rainbowservicesdv.org).

## HUD's proposed "Mixed-Status Family Rule" impacts immigrant families

Public comment on the proposed Mixed Status Rule is due by July 9, 2019. You can submit comments directly to HUD through the National Low Income Housing Coalition's and National Housing Law Project's joint website regarding the proposed rule: [www.keep-families-together.org](http://www.keep-families-together.org). The site also includes comment templates that agencies can modify and submit on their own at [www.regulations.gov](http://www.regulations.gov) (Docket ID: HUD-2019-0044).