



July 3, 2023  
Committee on Public Safety  
California State Senate  
State Capitol  
Sacramento, CA 95814

Submitted Via Portal

**RE: AB 1726 (Kalra) (Record Clearing for Immigrants) - Support**

To the Senate Committee on Public Safety:

I am writing on behalf of the Woodhull Freedom Foundation in support of AB 1726. Woodhull Freedom Foundation is a human rights organization focused on the fundamental human right to sexual freedom. Article 7 of the Universal Declaration of Human Rights states, "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination." AB 1726 will protect the human rights of immigrants and sex workers in California. Woodhull urges you to pledge your support to this important bill.

AB 1726 is a technical fix to last year's SB 357 and 2017's SB 239 to ensure that the record-clearing provisions enacted by SB 357 and SB 239 also work for purposes of immigration relief. AB 1726 ensures that vulnerable immigrant populations can benefit from the reforms that resulted from repealing Penal Code sections 647f and 653.22. Many sex workers, particularly in California, are subject to brutal immigration enforcement and deportation for even minor criminal infractions.

The broad, subjective nature of California Penal Code § 653.22 created opportunities for law enforcement to engage in discriminatory policing that targeted Black and Brown women and members of the transgender community. Penal Code Section 647f was based on fear and limited medical science at the time and penalized sex workers who were living with HIV. SB 357 and SB 239 were attempts to solve these problems and created a process to clear the records for persons convicted of violating these penal code sections. However, the prior bills did not include the specific language needed to help persons who need to have a prior conviction cleared for immigration purposes, despite the intention of both bills to provide relief for immigrants. For immigration purposes, a conviction must have been legally or procedurally defective at the time it was entered. AB 1726 simply adds language that would allow people to use the relief intended by SB 357 and SB 239 by creating a presumption that all convictions for Penal Code sections 653.22 and 647f were invalid from the beginning, thereby ensuring equal protection for all Californians.



We urge you to support AB 1726 to ensure that immigrants can benefit from these reforms to our penal code. Now that Penal Code sections 653.22 and 647f have been repealed, we must ensure that prior convictions cannot be used in immigration proceedings in the same way that we have removed the consequences of past criminal convictions.

Sincerely,

A handwritten signature in black ink that reads "Ricci Joy Levy". The signature is written in a cursive, flowing style.

Ricci Joy Levy  
President & CEO  
Woodhull Freedom Foundation