

# Sara's Law

## Summary:

Federal Law states that if a criminal alien is incarcerated for a crime, Immigration and Customs Enforcement (ICE) is to be notified thereby ensuring that they are not released into the community by securing a final order of removal prior to the termination of their sentence. Unfortunately, many state and local law enforcement agencies feel that it is not their responsibility to do the federal government's job and thusly, notification is not enforced. It is our hope that if California State Health and Safety Code 11369 is amended to include Drunk Driving and Driving Under the Influence offenses, state and local law enforcement will oblige and cooperate when these instances occur.

We also feel that if criminal aliens are prosecuted, incarcerated and deported, the societal affect on the image, reputation perception of our state's remaining aliens who do not commit crimes would improve. We feel that this is legislation that everyone in our community can support.

## California Health and Safety Code 11369 currently reads:

11369. When there is reason to believe that any person arrested for a violation of Section 11350, 11351, 11351.5, 11352, 11353, 11355, 11357, 11359, 11360, 11361, 11363, 11366, 11368 or 11550, may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.

**It is our objective to add DUI to this list of violations such that if an illegal alien commits Driving Under the Influence or Driving While Intoxicated (California Vehicle Code 23152-23153), the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.**

11350. (a) Except as otherwise provided in this division, every person who possesses (1) any controlled substance specified in...

11351.5. Except as otherwise provided in this division, every person who possesses for sale or purchases for purposes of sale cocaine base which is specified in...

11352. (a) Except as otherwise provided in this division, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport (1) any controlled substance specified in...

11353. **Every person 18 years of age or over, (a) who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate any provision of this chapter or Section 11550 with respect to either (1) a controlled substance which is specified in...**

11355. **Every person who agrees, consents, or in any manner offers to unlawfully sell, furnish, transport, administer, or give (1) any controlled substance specified in...**

11357. (a) Except as authorized by law, **every person who possesses any concentrated cannabis** shall be punished by imprisonment in the county jail for a period of not more than one year or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment, or shall be punished...

11359. **Every person who possesses for sale any marijuana**, except as otherwise provided by law, shall be punished...

11360. (a) Except as otherwise provided by this section or as authorized by law, **every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport any marijuana** shall be punished...

11361. (a) **Every person 18 years of age or over who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale, or peddling any marijuana, who unlawfully sells, or offers to sell, any marijuana to a minor, or who furnishes, administers, or gives, or offers to furnish, administer, or give any marijuana to a minor under 14 years of age, or who induces a minor to use marijuana in violation of law shall be punished...**

11363. **Every person who plants, cultivates, harvests, dries, or processes any plant of the genus Lophophora, also known as peyote, or any part thereof shall be punished...**

11366. **Every person who opens or maintains any place for the purpose of unlawfully selling, giving away, or using any controlled substance which is (1) specified in...**

11368. **Every person who forges or alters a prescription or who issues or utters an altered prescription...**

11550. (a) **No person shall use, or be under the influence of any controlled substance which is (1) specified in...**