

Eliminate Lifetime Immigration Consequences from HB22-1326



A LIFETIME OF HARM, NO PUBLIC SAFETY BENEFIT

The introduced version of HB22-1326 will **create new adverse lifetime immigration consequences** for noncitizens convicted of simple possession of a drug containing **any amount of fentanyl**—

- even if the person is a **lawful permanent resident**
- even if the person has **no intent to sell or distribute**
- even if the person is **not aware there is fentanyl in the drug**
- even if the person **commits no other crime**

The language in Section 2 specifically calling out fentanyl (see page 6, lines 11-20) triggers the following draconian immigration consequences:

- **deportability** from the country for people with green cards
- **mandatory immigration detention** without any right to bond
- **lifetime inadmissibility** - i.e., a lifetime bar to ever getting a green card

Under current law, a noncitizen could plead guilty specifically to simple possession of fentanyl and be fully protected from immigration consequences by the 2020 Tenth Circuit decision in Johnson (967 F.3d 1103) - meaning no simple possession offense under this statute as currently written triggers an immigration consequence.

However, if fentanyl is pulled out and listed specifically as drafted in the bill, or there is any similar change to the simple possession statute specifically calling out fentanyl (regardless of the weight), **it will cause devastating, lifelong immigration consequences, with a disparate impact on immigrants, particularly nonwhites.**

Changing the simple possession statute as to fentanyl will not:

- ✘ reduce overdose deaths
- ✘ disrupt the drug supply
- ✘ deter drug use or distribution
- ✘ make anyone safer

CRIMINAL PENALTIES DON'T STOP DRUGS.

Don't ruin lives and tear apart immigrant families and communities—don't change the simple possession statute. **Please strike the language the bill adds to 18-18-403.5(2)(a) (page 6, lines 11-20).**

Contact: Tristan Gorman, 720-988-5922, tristan@themeyerlawoffice.com