

AMENDED IN SENATE JUNE 14, 2017
AMENDED IN ASSEMBLY MARCH 28, 2017
CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1440

Introduced by Assembly Member Kalra

February 17, 2017

An act to add Section 830.85 to the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1440, as amended, Kalra. Peace officers.

Under existing law, federal criminal investigators and law enforcement officers are not California peace officers, but are authorized to exercise the powers of arrest of a peace officer in this state under specified circumstances, including when probable cause exists to believe that a public offense that involves immediate danger to persons or property has just occurred or is being committed.

This bill would specify that United States Immigration and Customs Enforcement officers *and United States Customs and Border Protection officers* are not California peace officers.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 **SECTION 1.** *The Legislature finds and declares all of the*
2 *following:*

1 (a) California is experiencing a new reality under the current
2 federal administration, with particularly concerning tactics and
3 strategies being employed by the United States Immigration and
4 Customs Enforcement (ICE) in the enforcement of federal
5 immigration orders.

6 (b) The concerning tactics and strategies include ICE officers
7 misrepresenting themselves as peace officers or police officers to
8 persuade and compel friends, family members, and associates of
9 suspected undocumented immigrants to reveal information about,
10 or the whereabouts of, a suspected undocumented immigrant.

11 (c) These tactics undermine the trust and faith California's local
12 law enforcement works to develop with local communities every
13 day to provide for the public's safety.

14 (d) Additionally, ICE officers are not trained as California
15 peace officers, they are not required to undergo the rigorous
16 training required to become a California peace officer, and the
17 training received by ICE officers in the course of their official
18 duties is not as comprehensive as, and thus not equivalent to, the
19 training required to be a California peace officer.

20 (e) As a result, California must take any and all necessary
21 actions to disassociate the actions of ICE officers with those of
22 state and local peace officers, make it clear that federal
23 immigration officers are not California peace officers, and
24 appropriately ensure the public knows the difference.

25 ~~SECTION 1.~~

26 SEC. 2. Section 830.85 is added to the Penal Code, immediately
27 following Section 830.8, to read:

28 830.85. Notwithstanding any other law, United States
29 Immigration and Customs Enforcement officers *and United States*
30 *Customs and Border Protection officers* are not California peace
31 officers.