

AMENDED IN ASSEMBLY JULY 10, 2017  
AMENDED IN ASSEMBLY JUNE 19, 2017  
AMENDED IN SENATE MARCH 29, 2017  
AMENDED IN SENATE MARCH 6, 2017  
AMENDED IN SENATE MARCH 1, 2017  
AMENDED IN SENATE JANUARY 24, 2017

**SENATE BILL**

**No. 54**

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**Introduced by Senator De León**

**(Principal coauthors: Senators Atkins, Beall, Pan, and Wiener)**

(Principal coauthors: Assembly Members Bonta, Chiu, Cooper, Gomez,  
Levine, Reyes, and Santiago)

December 5, 2016

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An act to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of the Government Code, to repeal Section 11369 of the Health and Safety Code, and to add Section 3058.10 to the Penal Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

SB 54, as amended, De León. Law enforcement: sharing data.

Existing law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions 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.

This bill would repeal those provisions.

Existing law provides that whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities.

This bill would, among other things and subject to exceptions, prohibit state and local law enforcement agencies, including school police and security departments, from using resources to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified. The bill would require, by April 1, 2018, the Attorney General, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement to the fullest extent possible for use by public schools, public libraries, health facilities operated by the state or a political subdivision of the state, and courthouses, among others. The bill would require all public schools, health facilities operated by the state or a political subdivision of the state, and courthouses to implement the model policy, or an equivalent policy. The bill would state that all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy. The bill would require, every 6 months, that a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, submit a report pertaining to task force operations to the Department of Justice, as specified. The bill would require the Attorney General, by March 1, 2019, and twice a year thereafter, to report on the types and frequency of joint law enforcement task forces, and other information, as specified, and to post those reports on the Attorney General's Internet Web site. The bill would require the Board of Parole Hearings or the Department of Corrections and Rehabilitation, as applicable, to notify United States Immigration and Customs Enforcement of the scheduled release on parole or postrelease community supervision, or rerelease following a period of confinement pursuant to a parole revocation without a new commitment, of all persons confined to state prison serving a current term for the conviction of a violent or serious felony, or who has a prior conviction for a violent or serious felony.

This bill would state findings and declarations of the Legislature relating to these provisions.

By imposing additional duties on public schools, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. Chapter 17.25 (commencing with Section 7284)  
2 is added to Division 7 of Title 1 of the Government Code, to read:

3  
4 CHAPTER 17.25. COOPERATION WITH FEDERAL IMMIGRATION  
5 AUTHORITIES

6  
7 7284. This chapter shall be known, and may be cited, as the  
8 California Values Act.

9 7284.2. The Legislature finds and declares the following:

10 (a) Immigrants are valuable and essential members of the  
11 California community. Almost one in three Californians is foreign  
12 born and one in two children in California has at least one  
13 immigrant parent.

14 (b) A relationship of trust between California’s immigrant  
15 community and state and local agencies is central to the public  
16 safety of the people of California.

17 (c) This trust is threatened when state and local agencies are  
18 entangled with federal immigration enforcement, with the result  
19 that immigrant community members fear approaching police when  
20 they are victims of, and witnesses to, crimes, seeking basic health  
21 services, or attending school, to the detriment of public safety and  
22 the well-being of all Californians.

23 (d) Entangling state and local agencies with federal immigration  
24 enforcement programs diverts already limited resources and blurs  
25 the lines of accountability between local, state, and federal  
26 governments.

1 (e) State and local participation in federal immigration  
2 enforcement programs also raises constitutional concerns, including  
3 the prospect that California residents could be detained in violation  
4 of the Fourth Amendment to the United States Constitution,  
5 targeted on the basis of race or ethnicity in violation of the Equal  
6 Protection Clause, or denied access to education based on  
7 immigration status.

8 (f) This chapter seeks to ensure effective policing, to protect  
9 the safety, well-being, and constitutional rights of the people of  
10 California, and to direct the state's limited resources to matters of  
11 greatest concern to state and local governments.

12 7284.4. For purposes of this chapter, the following terms have  
13 the following meanings:

14 (a) "California law enforcement agency" means a state or local  
15 law enforcement agency, including school police or security  
16 departments.

17 (b) "Civil immigration warrant" means any warrant for a  
18 violation of federal civil immigration law, and includes civil  
19 immigration warrants entered in the National Crime Information  
20 Center database.

21 (c) "Federal immigration authority" means any officer,  
22 employee, or person otherwise paid by or acting as an agent of  
23 United States Immigration and Customs Enforcement or United  
24 States Customs and Border Protection, or any division thereof, or  
25 any other officer, employee, or person otherwise paid by or acting  
26 as an agent of the United States Department of Homeland Security  
27 who is charged with immigration enforcement.

28 (d) "Health facility" includes health facilities as defined in  
29 Section 1250 of the Health and Safety Code, clinics as defined in  
30 Sections 1200 and 1200.1 of the Health and Safety Code, and  
31 substance abuse treatment facilities.

32 (e) "Hold request," "notification request," "transfer request,"  
33 and "local law enforcement agency" have the same meaning as  
34 provided in Section 7283. Hold, notification, and transfer requests  
35 include requests issued by United States Immigration and Customs  
36 Enforcement or United States Customs and Border Protection as  
37 well as any other federal immigration authorities.

38 (f) "Immigration enforcement" includes any and all efforts to  
39 investigate, enforce, or assist in the investigation or enforcement  
40 of any federal civil immigration law, and also includes any and all

1 efforts to investigate, enforce, or assist in the investigation or  
2 enforcement of any federal criminal immigration law that penalizes  
3 a person’s presence in, entry, or reentry to, or employment in, the  
4 United States. “Immigration enforcement” does not include either  
5 of the following:

6 (1) Efforts to investigate, enforce, or assist in the investigation  
7 or enforcement of a violation of Section 1326(a) of Title 8 of the  
8 United States Code that may be subject to the enhancement  
9 specified in Section 1326(b)(2) of Title 8 of the United States Code  
10 and that is detected during an unrelated law enforcement activity.

11 (2) Transferring an individual to federal immigration authorities  
12 for a violation of Section 1326(a) of Title 8 of the United States  
13 Code that is subject to the enhancement specified in Section  
14 1326(b)(2) of that title if the individual has been previously  
15 convicted of a violent felony listed in subdivision (c) of Section  
16 667.5 of the Penal Code.

17 (g) “Joint law enforcement task force” means ~~a~~ *at least one*  
18 California law enforcement agency collaborating, engaging, or  
19 partnering with ~~a~~ *at least one* federal law enforcement agency in  
20 ~~investigating, interrogating, detaining, detecting, or arresting~~  
21 ~~persons for violations of investigating~~ federal or state crimes.

22 (h) “Judicial probable cause determination” means a  
23 determination made by a federal judge or federal magistrate judge  
24 that probable cause exists that an individual has violated federal  
25 criminal immigration law and that authorizes a law enforcement  
26 officer to arrest and take into custody the individual.

27 (i) “Judicial warrant” means a warrant based on probable cause  
28 for a violation of federal criminal immigration law and issued by  
29 a federal judge or a federal magistrate judge that authorizes a law  
30 enforcement officer to arrest and take into custody the person who  
31 is the subject of the warrant.

32 (j) “Public schools” means all public elementary and secondary  
33 schools under the jurisdiction of local governing boards or a charter  
34 school board, the California State University, and the California  
35 Community Colleges.

36 (k) “School police and security departments” includes police  
37 and security departments of the California State University, the  
38 California Community Colleges, charter schools, county offices  
39 of education, schools, and school districts.

1 7284.6. (a) California law enforcement agencies shall not do  
2 any of the following:

3 (1) Use agency or department moneys, facilities, property,  
4 equipment, or personnel to investigate, interrogate, detain, detect,  
5 or arrest persons for immigration enforcement purposes, including,  
6 but not limited to, any of the following:

7 (A) Inquiring into an individual’s immigration status.  
8 (B) Detaining an individual on the basis of a hold request.  
9 (C) Responding to requests for notification by providing release  
10 dates or other information unless that information is available to  
11 the public.  
12 (D) Providing information regarding a person’s release date  
13 unless that information is available to the public.  
14 (E) Providing personal information about an individual,  
15 including, but not limited to, the individual’s home address or  
16 work address unless that information is available to the public.  
17 (F) ~~Making~~ *Making, assisting, or participating in* arrests based  
18 on civil immigration warrants.  
19 (G) Giving federal immigration authorities access to interview  
20 an individual in agency or department custody, except pursuant to  
21 a judicial warrant, and in accordance with Section 7283.1.  
22 (H) Assisting federal immigration authorities in the activities  
23 described in Section 1357(a)(3) of Title 8 of the United States  
24 Code.  
25 (I) Performing the functions of an immigration officer, whether  
26 pursuant to Section 1357(g) of Title 8 of the United States Code  
27 or any other law, regulation, or policy, whether formal or informal.

28 (2) Make agency or department databases, including databases  
29 maintained for the agency or department by private vendors, or  
30 the information therein other than information *within those*  
31 *databases* regarding an individual’s citizenship or immigration  
32 status, available to anyone or any entity for the purpose of  
33 immigration enforcement. Any agreements in effect on January  
34 1, 2018, that conflict with the terms of this paragraph are  
35 terminated on that date. ~~A person or entity~~ *All persons and entities*  
36 provided access to agency or department databases shall certify  
37 in writing that the database will *be kept confidential and will not*  
38 *be used for the purposes prohibited by this section.*  
39 (3) Place peace officers under the supervision of federal agencies  
40 or employ peace officers deputized as special federal officers or

1 special federal deputies except to the extent those peace officers  
2 remain subject to California law governing conduct of peace  
3 officers and the policies of the employing agency.

4 (4) Use federal immigration authorities as interpreters for law  
5 enforcement matters relating to individuals in agency or department  
6 custody.

7 (5) Transfer an individual to federal immigration authorities  
8 unless authorized by a judicial warrant or judicial probable cause  
9 determination, or for a violation of Section 1326(a) of Title 8 of  
10 the United States Code that is subject to the enhancement specified  
11 in Section 1326(b)(2) of Title 8 of the United States Code and the  
12 individual has been previously convicted of a violent felony listed  
13 in subdivision (c) of Section 667.5 of the Penal Code.

14 (b) Notwithstanding the limitations in subdivision (a), this  
15 section does not prevent any California law enforcement agency  
16 from doing any of the ~~following~~: *following that does not violate*  
17 *any policy of the law enforcement agency or any local law or policy*  
18 *of the jurisdiction in which the agency is operating*:

19 (1) Responding to a request from federal immigration authorities  
20 for information about a specific person's criminal history, including  
21 previous criminal arrests, convictions, and similar criminal history  
22 information accessed through the California Law Enforcement  
23 Telecommunications System (CLETS), where otherwise permitted  
24 by state law.

25 (2) Participating in a joint law enforcement task force, so long  
26 as the primary purpose of the joint law enforcement task force is  
27 not immigration enforcement, as defined in subdivision (f) of  
28 Section ~~7284.4~~, and participation in the task force by the California  
29 law enforcement agency does not violate any local law or policy  
30 of the jurisdiction in which the agency is operating. ~~7284.4~~.

31 (3) Making inquiries into information necessary to certify an  
32 individual who has been identified as a potential crime or  
33 trafficking victim for a T or U Visa pursuant to Section  
34 1101(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States  
35 Code or to comply with Section 922(d)(5) of Title 18 of the United  
36 States Code.

37 (4) Responding to a notification request from federal  
38 immigration authorities for a person who is serving a term for the  
39 conviction of a misdemeanor or felony offense and has a current  
40 or prior conviction for a violent felony listed in subdivision (c) of

1 Section 667.5 of the Penal Code or a serious felony listed in  
2 subdivision (c) of Section 1192.7 of the Penal Code, provided that  
3 response would not violate any local law or policy. *Code.*

4 (c) If a California law enforcement agency chooses to participate  
5 in a joint law enforcement task force, it shall submit a report every  
6 six months to the Department of Justice, as specified by the  
7 Attorney General. The report shall detail for each task force  
8 operation, the purpose of the task force, the federal, state, and local  
9 law enforcement agencies involved, the number of California law  
10 enforcement agency personnel involved, a description of arrests  
11 made for any federal and state crimes, and a description of the  
12 number of people arrested for immigration enforcement purposes.  
13 ~~The reporting agency or the Attorney General may determine a~~  
14 ~~report, in whole or in part, shall not be subject to disclosure~~  
15 ~~pursuant to subdivision (f) of Section 6254, the California Public~~  
16 ~~Records Act, to the extent that disclosure of a particular item of~~  
17 ~~information would endanger the safety of a person involved in an~~  
18 ~~investigation or would endanger the successful completion of the~~  
19 ~~investigation or a related investigation. All records described in~~  
20 ~~this subdivision shall be public records for purposes of the~~  
21 ~~California Public Records Act (Chapter 3.5 (commencing with~~  
22 ~~Section 6250)), including the exemptions provided by that act and,~~  
23 ~~as permitted under that act, personal identifying information may~~  
24 ~~be redacted prior to public disclosure.~~

25 (d) The Attorney General, by March 1, 2019, and twice a year  
26 thereafter, shall report on the types and frequency of joint law  
27 enforcement task forces. The report shall include, for the reporting  
28 period, assessments on compliance with paragraph (2) of  
29 subdivision (b), a list of all California law enforcement agencies  
30 that participate in joint law enforcement task forces, a list of joint  
31 law enforcement task forces operating in the state and their  
32 purposes, the number of arrests made associated with joint law  
33 enforcement task forces for the violation of federal or state crimes,  
34 and the number of arrests made associated with joint law  
35 enforcement task forces for the purpose of immigration  
36 enforcement by all task force participants, including federal law  
37 enforcement agencies. *To the extent that disclosure of a particular*  
38 *item of information would endanger the safety of a person involved*  
39 *in an investigation, or would endanger the successful completion*  
40 *of the investigation or a related investigation, that information*



1 *shall not be included in the Attorney General's report.* The  
2 Attorney General shall post the reports required by this subdivision  
3 on the Attorney General's Internet Web site.

4 (e) Notwithstanding any other law, a California law enforcement  
5 agency shall not transfer an individual to federal immigration  
6 authorities for purposes of immigration enforcement or detain an  
7 individual at the request of federal immigration authorities for  
8 purposes of immigration enforcement absent a judicial warrant or  
9 judicial probable cause determination, except as provided in  
10 paragraph (5) of subdivision (a). This subdivision does not limit  
11 the scope of subdivision (a).

12 (f) This section does not prohibit or restrict any government  
13 entity or official from sending to, or receiving from, federal  
14 immigration authorities, information regarding the citizenship or  
15 immigration status, lawful or unlawful, of an individual pursuant  
16 to Sections 1373 and 1644 of Title 8 of the United States Code.

17 7284.8. The Attorney General, by April 1, 2018, in consultation  
18 with the appropriate stakeholders, shall publish model policies  
19 limiting assistance with immigration enforcement to the fullest  
20 extent possible consistent with federal and state law at public  
21 schools, public libraries, health facilities operated by the state or  
22 a political subdivision of the state, courthouses, Division of Labor  
23 Standards Enforcement facilities, and shelters, and ensuring that  
24 they remain safe and accessible to all California residents,  
25 regardless of immigration status. All public schools, health facilities  
26 operated by the state or a political subdivision of the state, and  
27 courthouses shall implement the model policy, or an equivalent  
28 policy. All other organizations and entities that provide services  
29 related to physical or mental health and wellness, education, or  
30 access to justice, including the University of California, are  
31 encouraged to adopt the model policy.

32 7284.10. The provisions of this act are severable. If any  
33 provision of this act or its application is held invalid, that invalidity  
34 shall not affect other provisions or applications that can be given  
35 effect without the invalid provision or application.

36 SEC. 2. Section 11369 of the Health and Safety Code is  
37 repealed.

38 SEC. 3. Section 3058.10 is added to the Penal Code, to read:

39 3058.10. (a) The Board of Parole Hearings, with respect to  
40 inmates sentenced pursuant to subdivision (b) of Section 1168, or

1 the Department of Corrections and Rehabilitation, with respect to  
2 inmates sentenced pursuant to Section 1170, shall notify United  
3 States Immigration and Customs Enforcement of the scheduled  
4 release on parole or postrelease community supervision, or  
5 rerelease following a period of confinement pursuant to a parole  
6 revocation without a new commitment, of all persons confined to  
7 state prison serving a current term for the conviction of, or who  
8 have a prior conviction for, a violent felony listed in subdivision  
9 (c) of Section 667.5 or a serious felony listed in subdivision (c) of  
10 Section 1192.7.

11 (b) The notification shall be made at least 60 days prior to the  
12 scheduled release date or as soon as practicable if notification  
13 cannot be provided at least 60 days prior to release. The only  
14 nonpublicly available personal information that the notification  
15 may include is the name of the person who is scheduled to be  
16 released and the scheduled date of release.

17 SEC. 4. If the Commission on State Mandates determines that  
18 this act contains costs mandated by the state, reimbursement to  
19 local agencies and school districts for those costs shall be made  
20 pursuant to Part 7 (commencing with Section 17500) of Division  
21 4 of Title 2 of the Government Code.