



SOLANO COUNTY

Legislative Committee Meeting

Committee

Supervisor Erin Hannigan (Chair)
Supervisor John M. Vasquez

Staff

Michelle Heppner

September 25, 2017

3:00 p.m.

**Solano County Administration Center
Sixth Floor Conference Center, Room 6003
675 Texas Street
Fairfield, CA 94533**

AGENDA

- i. **Introductions** (Attendees)
- ii. **Public Comment** (Items not on the agenda)
- iii. **Federal Legislative update** (Waterman & Associates)
 - a. Healthcare / Affordable Care Act
 - b. Taxation Reform
- iv. **Update from Solano County Legislative Delegation** (Representative and/or Staff)
- v. **End-of-session legislative update** (Karen Lange)

Legislative Discussion Items

Immigration Related Bills (Matrix Attached)

Resolution – Maintaining Trust and Safety for Immigrants

- vi. **Future Scheduled Meetings:** October 2, 2017 and October 16, 2017
- vii. **Adjourn**

| Immigration | | |
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| Bill ID/Topic | Location | Summary |
| AB 21 Kalra D Public postsecondary education: Access to Higher Education for Every Student. | ASSEMBLY ENROLLMENT 9/13/2017 - In Assembly. Concurrence in Senate amendments pending. May be considered on or after September 15 pursuant to Assembly Rule 77. Assembly Rule 77(a) suspended. Senate amendments concurred in. To Engrossing and Enrolling. | (1)Existing law establishes the California State University, under the administration of the Trustees of the California State University; the University of California; the California Community Colleges, under the administration of the Regents of the University of California; the California Community Colleges; and independent institutions of higher education as the 4 segments of postsecondary education in this state. This bill would express findings and declarations of the Legislature relating to the possible impacts on public postsecondary educational institutions in this state of changes in federal immigration policies and enforcement. This bill contains other related provisions and other existing laws. Last Amended on 9/8/2017 |
| AB 291 Chiu D Housing: immigration. | ASSEMBLY ENROLLMENT 9/11/2017 - Senate amendments concurred in. To Engrossing and Enrolling. | (1)Existing law, the State Bar Act, makes it a cause for suspension, disbarment, or other discipline for any member of the State Bar to report suspected immigration status or threaten to report suspected immigration status of a witness or party to a civil or administrative action or his or her family member, as defined, to a federal, state, or local agency because the witness or party exercises or has exercised a right related to his or her employment. This bill would expand that provision to make it a cause for suspension, disbarment, or other discipline for a member of the State Bar to report suspected immigration status or threaten to report suspected immigration status of a witness or party to a civil or administrative action or his or her family member, as defined, to a federal, state, or local agency because the witness or party exercises or has exercised a right related to the hiring of residential real property. This bill contains other related provisions and other existing laws. Last Amended on 8/28/2017 |
| AB 299 Calderon D Hiring of real property: immigration or citizenship status. | ASSEMBLY ENROLLMENT 9/15/2017 - In Assembly. Concurrence in Senate amendments pending. Senate amendments concurred in. To Engrossing and Enrolling. | Existing law prohibits any city, county, or city and county from compelling a landlord or any agent of the landlord to take any action, as specified, based on the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of residential rental property. Existing law provides that these prohibitions do not prohibit a landlord from complying with any legal obligation under federal law. This bill would revise this prohibition to include a "public entity," which the bill would define to include the state, as defined, a city, county, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the state. The bill would clarify that the term "federal law" in the provision described above includes any legal obligation of a landlord under a federal government program that provides for rent limitations or rental assistance to qualified tenant, and would broaden that provision to include any legal obligation of a landlord under a subpoena, warrant, or other order issued by a court. This bill contains other related provisions. Last Amended on 9/5/2017 |
| AB 450 Chiu D Employment regulation: immigration worksite enforcement actions. | ASSEMBLY ENROLLMENT 9/13/2017 - In Assembly. Concurrence in Senate amendments pending. May be considered on or after September 15 pursuant to Assembly Rule 77. Assembly Rule 77(a) suspended. Senate | Existing law prohibits an employer or other person or entity from engaging in, or to directing another person or entity to engage in, unfair immigration-related practices against a person for exercising specified rights. Existing law defines unfair immigration-related practices for these purposes. Existing law grants the Labor Commissioner access to places of labor and authorizes the commissioner to conduct investigations and prosecute actions in relation to the prescribed duties of the office. Existing law creates the Labor Enforcement and Compliance |

amendments concurred in. To
Engrossing and Enrolling.

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| <p>Fund, moneys in which, upon appropriation by the Legislature, are available to support the Division of Labor Standards Enforcement. This bill would impose various requirements on public and private employers with regard to federal immigration agency immigration worksite enforcement actions. Except as otherwise required by federal law, the bill would prohibit an employer or other person acting on the employer's behalf from providing voluntary consent to an immigration enforcement agent to enter nonpublic areas of a place of labor unless the agent provides a judicial warrant, except as specified. Except as required by federal law, the bill would prohibit an employer or other person acting on the employer's behalf from providing voluntary consent to an immigration enforcement agent to access, review, or obtain the employer's employee records without a subpoena or court order, subject to a specified exception. The bill would grant the Labor Commissioner or the Attorney General the exclusive authority to enforce these provisions and would require that any penalty recovered be deposited in the Labor Enforcement and Compliance Fund. The bill would prescribe penalties for failure to satisfy the prohibitions described above of \$2,000 up to \$5,000 for a first violation and \$5,000 up to \$10,000 for each subsequent violation, as defined. The bill would specify circumstances for which penalties do not apply. This bill contains other existing laws. Last Amended on 9/8/2017</p> | <p>Existing law states the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic, equal rights and opportunities in the educational institutions of the state. Existing law prohibits discrimination on the basis of those specific characteristics in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid. Existing law requires the State Department of Education to assess whether local educational agencies have taken certain actions related to educational equity, including adopting a policy that prohibits, and adopting a process for receiving and investigating complaints of, discrimination, harassment, intimidation, and bullying based on those actual or perceived specified characteristics. This bill would expressly include immigration status in the specified characteristics for purposes of those provisions. This bill contains other related provisions and other existing laws. Last Amended on 9/8/2017</p> | <p>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. Last Amended on 6/14/2017</p> | <p>Existing law generally regulates formation and enforcement of contracts, including what constitutes an unlawful contract. Under existing law, a contract is unlawful if it is contrary to an express provision of law, contrary to the policy of express law, though not expressly prohibited, or otherwise contrary to good morals. This bill would, commencing on January 1, 2018, prohibit a city, county, city and county, or a local law enforcement agency that does not, as of that date, have a contract with the federal government or any federal agency or a private corporation to detain noncitizens for the purposes of civil immigration custody from</p> |
| <p>AB 699 O'Donnell D Educational equity: immigration and citizenship status.</p> | <p>ASSEMBLY ENROLLMENT 9/15/2017 - Senate amendments concurred in. To Engrossing and Enrolling.</p> | <p>ASSEMBLY CHARTERED 7/24/2017 - Approved by the Governor. Chartered by Secretary of State - Chapter 116, Statutes of 2017. Peace officers.</p> | <p>SENATE ENROLLMENT 9/13/2017 - Assembly amendments concurred in. (Ayes 27. Noes 13.) Ordered to engrossing and enrolling.</p> |
| <p>SB 29 Lara D Law enforcement: immigration.</p> | | | |

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| <p>SB 29 Lara D Law enforcement: immigration.</p> | | | |

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| | <p>entering into a contract with those entities to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody. The bill would further prohibit a city, county, city and county, or local law enforcement agency that, as of January 1, 2018, has an existing contract with the federal government or any federal agency or a private corporation to house or detain noncitizens for purposes of civil immigration custody, from renewing or modifying that contract, on and after that date, in a manner that would expand the maximum number of contract beds that may be utilized to house or detain, in a locked detention facility, noncitizens for purposes of civil immigration custody. This bill would prohibit, on and after January 1, 2018, a city, county, city and county, or a public agency from approving or signing a deed, instrument, or other document related to a conveyance of land or issuing a permit for the building or reuse of existing buildings by a private corporation, contractor, or vendor to house or detain noncitizens for the purposes of civil immigration proceedings unless the city, county, city and county, or public agency has provided specified notice to the public and solicited and heard public comments regarding the action. This bill contains other related provisions and other existing laws.</p> | Last Amended on 9/8/2017 |
| SB 31 <u>Lara D</u> | <p>SENATE ENROLLMENT 9/15/2017 - Read third time. Passed. Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending. Assembly amendments concurred in. (Ayes 36. Noes 0.) Ordered to engrossing and enrolling.</p> <p>California Religious Freedom Act: state agencies: disclosure of religious affiliation information.</p> | <p>Existing law prohibits a state agency from including a question regarding an applicant's race, sex, marital status, or religion in any application form for employment. This bill would prohibit a state or local agency or a public employee acting under color of law from providing or disclosing to the federal government personal information regarding a person's religious beliefs, practices, or affiliation, as specified, when the information is sought for compiling a database of individuals based on religious belief, practice, or affiliation, national origin, or ethnicity for law enforcement or immigration purposes. The bill would also prohibit a state agency from using agency resources to assist with any government program compiling such a database, or from making state databases available in connection with an investigation or enforcement under such a program. The bill would prohibit state and local law enforcement agencies and their employees from collecting personal information on the religious beliefs, practices, or affiliation of any individual, except as part of a targeted investigation, as provided, or where necessary to provide religious accommodations. The bill would also prohibit law enforcement agencies from using agency or department money, facilities, property, equipment, or personnel to investigate, enforce, or assist in the investigation or enforcement of any criminal, civil, or administrative violation, or warrant for a violation, of any requirement that individuals register with the federal government or any federal agency based on religion, national origin, or ethnicity. The bill would also terminate, to the extent of any conflict, any existing agreements that make any agency or department information or database available in conflict with these provisions. The bill would not prevent the collection, retention, or disclosure of personal information or documents as required by Federal law or a court order. The bill would provide that an agency or employee would only be deemed to be in violation of its provisions if the agency or employee acted with actual knowledge that the information shared would be used for purposes prohibited by these provisions. This bill contains other related provisions.</p> |
| SB 54 <u>De León D</u> | <p>SENATE ENROLLMENT 9/16/2017 - Assembly amendments concurred in. (Ayes 27. Noes 11.) Ordered to engrossing and enrolling.</p> <p>Law enforcement: sharing data.</p> | <p>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. This bill contains other related provisions and other existing laws.</p> |

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| SB 31 <u>Lara D</u> | <p>SENATE ENROLLMENT 9/15/2017 - Read third time. Passed. Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending. Assembly amendments concurred in. (Ayes 36. Noes 0.) Ordered to engrossing and enrolling.</p> <p>California Religious Freedom Act: state agencies: disclosure of religious affiliation information.</p> | <p>Existing law prohibits a state agency from including a question regarding an applicant's race, sex, marital status, or religion in any application form for employment. This bill would prohibit a state or local agency or a public employee acting under color of law from providing or disclosing to the federal government personal information regarding a person's religious beliefs, practices, or affiliation, as specified, when the information is sought for compiling a database of individuals based on religious belief, practice, or affiliation, national origin, or ethnicity for law enforcement or immigration purposes. The bill would also prohibit a state agency from using agency resources to assist with any government program compiling such a database, or from making state databases available in connection with an investigation or enforcement under such a program. The bill would prohibit state and local law enforcement agencies and their employees from collecting personal information on the religious beliefs, practices, or affiliation of any individual, except as part of a targeted investigation, as provided, or where necessary to provide religious accommodations. The bill would also prohibit law enforcement agencies from using agency or department money, facilities, property, equipment, or personnel to investigate, enforce, or assist in the investigation or enforcement of any criminal, civil, or administrative violation, or warrant for a violation, of any requirement that individuals register with the federal government or any federal agency based on religion, national origin, or ethnicity. The bill would also terminate, to the extent of any conflict, any existing agreements that make any agency or department information or database available in conflict with these provisions. The bill would not prevent the collection, retention, or disclosure of personal information or documents as required by Federal law or a court order. The bill would provide that an agency or employee would only be deemed to be in violation of its provisions if the agency or employee acted with actual knowledge that the information shared would be used for purposes prohibited by these provisions. This bill contains other related provisions.</p> |
| SB 54 <u>De León D</u> | <p>SENATE ENROLLMENT 9/16/2017 - Assembly amendments concurred in. (Ayes 27. Noes 11.) Ordered to engrossing and enrolling.</p> <p>Law enforcement: sharing data.</p> | <p>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. This bill contains other related provisions and other existing laws.</p> |

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| <p><u>SB 68</u> Lara D</p> <p>SENATE ENROLLMENT 9/14/2017 - In Senate. Concurrence in Assembly amendments pending. Assembly amendments concurred in. (Ayes 29. Noes 10.) Ordered to engrossing and enrolling.</p> <p>Public postsecondary education: exemption from nonresident tuition.</p> | <p>(1) Existing law exempts a student, other than a nonimmigrant alien, as defined, from paying nonresident tuition at the California State University and the California Community Colleges if the student meets certain requirements, including high school attendance in California for 3 or more years or attainment of credits earned in California from a California high school equivalent to 3 or more years of full-time high school coursework and a total of 3 or more years of attendance at California elementary and secondary schools. This bill would instead exempt a student, other than a nonimmigrant alien, from nonresident tuition at the California State University and the California Community Colleges if the student has a total of 3 or more years of attendance, or attainment of equivalent credits earned while in California, California high schools, California adult schools, campuses of the California Community Colleges, or a combination of those schools, as specified, or the student completes 3 or more years of full-time high school coursework, and a total of 3 or more years of attendance in California elementary schools, California secondary schools, or a combination of California elementary and secondary schools. The bill would also require that the student graduate from a California high school or attain the equivalent, attain an associate degree from a campus of the California Community Colleges, or fulfill minimum transfer requirements established for the University of California or the California State University for students transferring from campuses of the California Community Colleges. This bill contains other related provisions and other existing laws. Last Amended on 9/8/2017</p> |
| <p><u>SB 613</u> De León D</p> <p>Immigration status.</p> | <p>SENATE ENROLLMENT 9/15/2017 - Read third time. Passed.</p> <p>Ordered to the Senate. In Senate. Ordered to engrossing and enrolling.</p> |

AMENDED IN ASSEMBLY SEPTEMBER 11, 2017

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

Introduced by Senator De León

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

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

December 5, 2016

An act to amend Sections 7282 and 7282.5 of, and to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of the Government Code, and 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~~ *money or personnel* to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as ~~specified~~ *specified, and would, subject to exceptions, proscribe other activities or conduct in connection with immigration enforcement by law enforcement agencies. The bill would apply those provisions to the circumstances in which a law enforcement official has discretion to cooperate with immigration authorities.* The bill would require, by ~~April~~ October 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~~ *require, among others*, 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~~ *that, among others*, 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*, ~~require~~ that a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, submit a report *annually* 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 annually* 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. The bill would require law enforcement agencies to report to the department annually regarding transfers of persons to immigration authorities. The bill would require the Attorney General to publish guidance, audit criteria, and training recommendations regarding state and local law enforcement databases, for purposes of limiting the availability of information for immigration enforcement, as specified. The bill would require the Department of Corrections and Rehabilitation to provide a specified written consent form in advance of any interview between a person in department custody and the United States Immigration and Customs Enforcement regarding civil immigration violations.~~

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

By imposing additional duties on public schools *and local law enforcement agencies*, 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. Section 7282 of the Government Code is amended*
2 *to read:*
3 7282. For purposes of this chapter, the following terms have
4 the following meanings:
5 (a) “Conviction” shall have the same meaning as subdivision
6 (d) of Section 667 of the Penal Code.

1 (b) “Eligible for release from custody” means that the individual
2 may be released from custody because one of the following
3 conditions has occurred:

4 (1) All criminal charges against the individual have been
5 dropped or dismissed.

6 (2) The individual has been acquitted of all criminal charges
7 filed against him or her.

8 (3) The individual has served all the time required for his or her
9 sentence.

10 (4) The individual has posted a bond.

11 (5) The individual is otherwise eligible for release under state
12 or local law, or local policy.

13 (e) ~~“Immigration hold” means an immigration detainer issued~~
14 ~~by an authorized immigration officer, pursuant to Section 287.7~~
15 ~~of Title 8 of the Code of Federal Regulations, that requests that~~
16 ~~the law enforcement official to maintain custody of the individual~~
17 ~~for a period not to exceed 48 hours, excluding Saturdays, Sundays,~~
18 ~~and holidays, and to advise the authorized immigration officer~~
19 ~~prior to the release of that individual.”~~

20 (c) *“Hold request,” “notification request,” and “transfer*
21 *request” have the same meanings as provided in Section 7283.*
22 *Hold, notification, and transfer requests include requests issued*
23 *by the United States Immigration and Customs Enforcement or*
24 *the United States Customs and Border Protection as well as any*
25 *other immigration authorities.*

26 (d) “Law enforcement official” means any local agency or
27 officer of a local agency authorized to enforce criminal statutes,
28 regulations, or local ordinances or to operate jails or to maintain
29 custody of individuals in jails, and any person or local agency
30 authorized to operate juvenile detention facilities or to maintain
31 custody of individuals in juvenile detention facilities.

32 (e) “Local agency” means any city, county, city and county,
33 special district, or other political subdivision of the state.

34 (f) “Serious felony” means any of the offenses listed in
35 subdivision (c) of Section 1192.7 of the Penal Code and any offense
36 committed in another state which, if committed in California,
37 would be punishable as a serious felony as defined by subdivision
38 (c) of Section 1192.7 of the Penal Code.

39 (g) “Violent felony” means any of the offenses listed in
40 subdivision (c) of Section 667.5 of the Penal Code and any offense

1 committed in another state which, if committed in California,
2 would be punishable as a violent felony as defined by subdivision
3 (c) of Section 667.5 of the Penal Code.

4 *SEC. 2. Section 7282.5 of the Government Code is amended
5 to read:*

6 ~~7282.5. (a) A law enforcement official shall have discretion
7 to cooperate with federal immigration officials by detaining an
8 individual on the basis of an immigration hold after that individual
9 becomes eligible for release from custody only if the continued
10 detention of the individual on the basis of the immigration hold
11 would not violate any federal, state, or local law, or any local
12 policy, and only under any of the following circumstances:~~

13 *7282.5. (a) A law enforcement official shall have discretion
14 to cooperate with immigration authorities only if doing so would
15 not violate any federal, state, or local law, or local policy, and
16 where permitted by the California Values Act (Chapter 17.25
17 (commencing with Section 7284)). Additionally, the specific
18 activities described in subparagraph (C) of paragraph (1) of
19 subdivision (a) of, and in paragraph (4) of subdivision (a) of,
20 Section 7284.6 shall only occur under the following circumstances:*

21 (1) The individual has been convicted of a serious or violent
22 felony identified in subdivision (c) of Section 1192.7 of, or
23 subdivision (c) of Section 667.5 of, the Penal Code.

24 (2) The individual has been convicted of a felony punishable
25 by imprisonment in the state prison.

26 (3) The individual has been convicted within the past five years
27 of a misdemeanor for a crime that is punishable as either a
28 misdemeanor or a felony for, or has been convicted ~~at any time~~
29 *within the last 15 years* of a felony for, any of the following
30 offenses:

31 (A) Assault, as specified in, but not limited to, Sections 217.1,
32 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5,
33 4500, and 4501 of the Penal Code.

34 (B) Battery, as specified in, but not limited to, Sections 242,
35 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and
36 4501.5 of the Penal Code.

37 (C) Use of threats, as specified in, but not limited to, Sections
38 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.

39 (D) Sexual abuse, sexual exploitation, or crimes endangering
40 children, as specified in, but not limited to, Sections 266, 266a,

1 266b, 266c, 266d, 266f, 266g, 266h, 266i, 266j, 267, 269, 288,
2 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal
3 Code.

4 (E) Child abuse or endangerment, as specified in, but not limited
5 to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of
6 the Penal Code.

7 (F) Burglary, robbery, theft, fraud, forgery, or embezzlement,
8 as specified in, but not limited to, Sections 211, 215, 459, 463,
9 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal
10 Code.

11 (G) Driving under the influence of alcohol or drugs, but only
12 for a conviction that is a felony.

13 (H) Obstruction of justice, as specified in, but not limited to,
14 Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.

15 (I) Bribery, as specified in, but not limited to, Sections 67, 67.5,
16 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.

17 (J) Escape, as specified in, but not limited to, Sections 107, 109,
18 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal
19 Code.

20 (K) Unlawful possession or use of a weapon, firearm, explosive
21 device, or weapon of mass destruction, as specified in, but not
22 limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3,
23 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2,
24 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750,
25 and 18755 of, and subdivisions (c) and (d) of Section 26100 of,
26 the Penal Code.

27 (L) Possession of an unlawful deadly weapon, under the Deadly
28 Weapons Recodification Act of 2010 (Part 6 (commencing with
29 Section 16000) of the Penal Code).

30 (M) An offense involving the felony possession, sale,
31 distribution, manufacture, or trafficking of controlled substances.

32 (N) Vandalism with prior convictions, as specified in, but not
33 limited to, Section 594.7 of the Penal Code.

34 (O) Gang-related offenses, as specified in, but not limited to,
35 Sections 186.22, 186.26, and 186.28 of the Penal Code.

36 (P) An attempt, as defined in Section 664 of, or a conspiracy,
37 as defined in Section 182 of, the Penal Code, to commit an offense
38 specified in this section.

39 (Q) A crime resulting in death, or involving the personal
40 infliction of great bodily injury, as specified in, but not limited to,

1 subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192,
2 192.5, 12022.7, 12022.8, and 12022.9 of, the Penal Code.

3 (R) Possession or use of a firearm in the commission of an
4 offense.

5 (S) An offense that would require the individual to register as
6 a sex offender pursuant to Section 290, 290.002, or 290.006 of the
7 Penal Code.

8 (T) False imprisonment, slavery, and human trafficking, as
9 specified in, but not limited to, Sections 181, 210.5, 236, 236.1,
10 and 4503 of the Penal Code.

11 (U) Criminal profiteering and money laundering, as specified
12 in, but not limited to, Sections 186.2, 186.9, and 186.10 of the
13 Penal Code.

14 (V) Torture and mayhem, as specified in, but not limited to,
15 Section 203 of the Penal Code.

16 (W) A crime threatening the public safety, as specified in, but
17 not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 404.6, 405a,
18 451, and 11413 of the Penal Code.

19 (X) Elder and dependent adult abuse, as specified in, but not
20 limited to, Section 368 of the Penal Code.

21 (Y) A hate crime, as specified in, but not limited to, Section
22 422.55 of the Penal Code.

23 (Z) Stalking, as specified in, but not limited to, Section 646.9
24 of the Penal Code.

25 (AA) Soliciting the commission of a crime, as specified in, but
26 not limited to, subdivision (c) of Section 286 of, and Sections 653j
27 and 653.23 of, the Penal Code.

28 (AB) An offense committed while on bail or released on his or
29 her own recognizance, as specified in, but not limited to, Section
30 12022.1 of the Penal Code.

31 (AC) Rape, sodomy, oral copulation, or sexual penetration, as
32 specified in, but not limited to, paragraphs (2) and (6) of
33 subdivision (a) of Section 261 of, paragraphs (1) and (4) of
34 subdivision (a) of Section 262 of, Section 264.1 of, subdivisions
35 (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section
36 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal
37 Code.

38 (AD) Kidnapping, as specified in, but not limited to, Sections
39 207, 209, and 209.5 of the Penal Code.

1 (AE) A violation of subdivision (c) of Section 20001 of the
2 Vehicle Code.

3 (4) The individual is a current registrant on the California Sex
4 and Arson Registry.

5 ~~(5) The individual is arrested and taken before a magistrate on
6 a charge involving a serious or violent felony, as identified in
7 subdivision (e) of Section 1192.7 or subdivision (e) of Section
8 667.5 of the Penal Code, a felony punishable by imprisonment in
9 state prison, or any felony listed in paragraph (2) or (3) other than
10 domestic violence, and the magistrate makes a finding of probable
11 cause as to that charge pursuant to Section 872 of the Penal Code.~~

12 ~~(6)~~

13 (5) The individual has been convicted of a federal crime that
14 meets the definition of an aggravated felony as set forth in
15 subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection
16 (a) of Section 101 of the federal Immigration and Nationality Act
17 (8 U.S.C. Sec. 1101), or is identified by the United States
18 Department of Homeland Security's Immigration and Customs
19 Enforcement as the subject of an outstanding federal felony arrest
20 warrant.

21 ~~(b) If none of the conditions listed in subdivision (a) is satisfied,
22 an individual shall not be detained on the basis of an immigration
23 hold after the individual becomes eligible for release from custody.~~

24 *(6) In no case shall cooperation occur pursuant to this section
25 for individuals arrested, detained, or convicted of misdemeanors
26 that were previously felonies, or were previously crimes punishable
27 as either misdemeanors or felonies, prior to passage of the Safe
28 Neighborhoods and Schools Act of 2014 as it amended the Penal
29 Code.*

30 *(b) In cases in which the individual is arrested and taken before
31 a magistrate on a charge involving a serious or violent felony, as
32 identified in subdivision (c) of Section 1192.7 or subdivision (c)
33 of Section 667.5 of the Penal Code, respectively, or a felony that
34 is punishable by imprisonment in state prison, and the magistrate
35 makes a finding of probable cause as to that charge pursuant to
36 Section 872 of the Penal Code, a law enforcement official shall
37 additionally have discretion to cooperate with immigration officials
38 pursuant to subparagraph (C) of paragraph (1) of subdivision (a)
39 of Section 7284.6.*

1 **SECTION 1.**

2 SEC. 3. Chapter 17.25 (commencing with Section 7284) is
3 added to Division 7 of Title 1 of the Government Code, to read:

4

5 **CHAPTER 17.25. COOPERATION WITH FEDERAL IMMIGRATION**
6 **AUTHORITIES**

7

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

10 7284.2. The Legislature finds and declares the following:

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

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

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

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

28 (e) State and local participation in federal immigration
29 enforcement programs also raises constitutional concerns, including
30 the prospect that California residents could be detained in violation
31 of the Fourth Amendment to the United States Constitution,
32 targeted on the basis of race or ethnicity in violation of the Equal
33 Protection Clause, or denied access to education based on
34 immigration status. *See Sanchez Ochoa v. Campbell, et al. (E.D.*
35 Wash. 2017) 2017 WL 3476777; Trujillo Santoya v. United States,
36 et al. (W.D. Tex. 2017) 2017 WL 2896021; Moreno v. Napolitano
37 (N.D. Ill. 2016) 213 F. Supp. 3d 999; Morales v. Chadbourne (1st
38 Cir. 2015) 793 F.3d 208; Miranda-Olivares v. Clackamas County
39 (D. Or. 2014) 2014 WL 1414305; Galarza v. Szalczynk (3d Cir.
40 *2014) 745 F.3d 634.*

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

5 (g) *It is the intent of the Legislature that this chapter shall not
6 be construed as providing, expanding, or ratifying any legal
7 authority for any state or local law enforcement agency to
8 participate in immigration enforcement.*

9 7284.4. For purposes of this chapter, the following terms have
10 the following meanings:

11 (a) "California law enforcement agency" means a state or local
12 law enforcement agency, including school police or security
13 departments. "*California law enforcement agency*" does not
14 include the Department of Corrections and Rehabilitation.

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

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

26 (d) "Immigration authority" means any federal, state, or local
27 officer, employee, or person performing immigration enforcement
28 functions.

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

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

39 (f) "Immigration enforcement" includes any and all efforts to
40 investigate, enforce, or assist in the investigation or enforcement

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

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

12 (2) Transferring an individual to federal immigration authorities
13 for a violation of Section 1326(a) of Title 8 of the United States
14 Code that is subject to the enhancement specified in Section
15 1326(b)(2) of that title if the individual has been previously
16 convicted of a violent felony listed in subdivision (e) of Section
17 667.5 of the Penal Code.

18 (g) “Joint law enforcement task force” means at least one
19 California law enforcement agency collaborating, engaging, or
20 partnering with at least one federal law enforcement agency in
21 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: *not:*

3 (1) Use agency or department moneys, facilities, property,
4 equipment, moneys or personnel to investigate, interrogate, detain,
5 detect, or arrest persons for immigration enforcement purposes,
6 including, but not limited to, *including* 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 Providing information regarding a person's*
10 *release date or responding* to requests for notification by providing
11 release dates or other information unless that information is
12 available to the public. *public, or is in response to a notification*
13 *request from immigration authorities in accordance with Section*
14 *7282.5. Responses are never required, but are permitted under*
15 *this subdivision, provided that they do not violate any local law*
16 *or policy.*

17 (D) ~~Providing information regarding a person's release date~~
18 unless that information is available to the public.

19 (E)

20 (D) Providing personal information, as defined in
21 Section 1798.3 of the Civil Code, about an individual, including,
22 but not limited to, the individual's home address or work address
23 unless that information is available to the public.

24 (F) Making, assisting, or

25 (E) Making or intentionally participating in arrests based on
26 civil immigration warrants.

27 (G) Giving federal immigration authorities access to interview
28 an individual in agency or department custody, except pursuant to
29 a judicial warrant, and in accordance with Section 7283.1.

30 (H)

31 (F) Assisting federal immigration authorities in the activities
32 described in Section 1357(a)(3) of Title 8 of the United States
33 Code.

34 (I)

35 (G) Performing the functions of an immigration officer, whether
36 pursuant to Section 1357(g) of Title 8 of the United States Code
37 or any other law, regulation, or policy, whether formal or informal.

38 (2) Make agency or department databases, including databases
39 maintained for the agency or department by private vendors, or
40 the information therein other than information within those

1 databases regarding an individual's citizenship or immigration
2 status, available to anyone or any entity for the purpose of
3 immigration enforcement. Any agreements in effect on January
4 1, 2018, that conflict with the terms of this paragraph are
5 terminated on that date. All persons and entities provided access
6 to agency or department databases shall certify in writing that the
7 database will be kept confidential and will not be used for the
8 purposes prohibited by this section.

9 (3)

10 (2) Place peace officers under the supervision of federal agencies
11 or employ peace officers deputized as special federal officers or
12 special federal deputies except to the extent those *deputies for*
13 *purposes of immigration enforcement.* All peace officers remain
14 subject to California law governing conduct of peace officers and
15 the policies of the employing agency.

16 (4)

17 (3) Use ~~federal~~ immigration authorities as interpreters for law
18 enforcement matters relating to individuals in agency or department
19 custody.

20 (5)

21 (4) Transfer an individual to ~~federal~~ immigration authorities
22 unless authorized by a judicial warrant or judicial probable cause
23 determination, or for a violation of Section 1326(a) of Title 8 of
24 the United States Code that is subject to the enhancement specified
25 in Section 1326(b)(2) of Title 8 of the United States Code and the
26 individual has been previously convicted of a violent felony listed
27 in subdivision (e) of Section 667.5 of the Penal Code. in
28 accordance with Section 7282.5.

29 (5) Provide office space exclusively dedicated for immigration
30 authorities for use within a city or county law enforcement facility.

31 (6) Contract with the federal government for use of California
32 law enforcement agency facilities to house individuals as federal
33 detainees, except pursuant to Chapter 17.8 (commencing with
34 Section 7310).

35 (b) Notwithstanding the limitations in subdivision (a), this
36 section does not prevent any California law enforcement agency
37 from doing any of the following that does not violate any policy
38 of the law enforcement agency or any local law or policy of the
39 jurisdiction in which the agency is operating:

1 (1) *Investigating, enforcing, or detaining upon reasonable
2 suspicion of, or arresting for a violation of, Section 1326(a) of
3 Title 8 of the United States Code that may be subject to the
4 enhancement specified in Section 1326(b)(2) of Title 8 of the United
5 States Code and that is detected during an unrelated law
6 enforcement activity. Transfers to immigration authorities are
7 permitted under this subsection only in accordance with paragraph
8 (4) of subdivision (a).*

9 ~~(4)~~

10 (2) Responding to a request from federal immigration authorities
11 for information about a specific person's criminal history, including
12 previous criminal arrests, convictions, ~~and or~~ similar criminal
13 history information accessed through the California Law
14 Enforcement Telecommunications System (CLETS), where
15 otherwise permitted by state law.

16 ~~(2) Participating in a joint law enforcement task force, so long
17 as the primary purpose of the joint law enforcement task force is
18 not immigration enforcement, as defined in subdivision (f) of
19 Section 7284.4.~~

20 (3) *Conducting enforcement or investigative duties associated
21 with a joint law enforcement task force, including the sharing of
22 confidential information with other law enforcement agencies for
23 purposes of task force investigations, so long as the following
24 conditions are met:*

25 (A) *The primary purpose of the joint law enforcement task force
26 is not immigration enforcement, as defined in subdivision (f) of
27 Section 7284.4.*

28 (B) *The enforcement or investigative duties are primarily related
29 to a violation of state or federal law unrelated to immigration
30 enforcement.*

31 (C) *Participation in the task force by a California law
32 enforcement agency does not violate any local law or policy to
33 which it is otherwise subject.*

34 ~~(3)~~

35 (4) Making inquiries into information necessary to certify an
36 individual who has been identified as a potential crime or
37 trafficking victim for a T or U Visa pursuant to Section
38 1101(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States
39 Code or to comply with Section 922(d)(5) of Title 18 of the United
40 States Code.

1 (4) Responding to a notification request from federal
2 immigration authorities for a person who is serving a term for the
3 conviction of a misdemeanor or felony offense and has a current
4 or prior conviction for a violent felony listed in subdivision (e) of
5 Section 667.5 of the Penal Code or a serious felony listed in
6 subdivision (c) of Section 1192.7 of the Penal Code.

7 (5) *Giving immigration authorities access to interview an
8 individual in agency or department custody. All interview access
9 shall comply with requirements of the TRUTH Act (Chapter 17.2
10 (commencing with Section 7283)).*

11 (c) (1) If a California law enforcement agency chooses to
12 participate in a joint law enforcement task force, *for which a
13 California law enforcement agency has agreed to dedicate
14 personnel or resources on an ongoing basis*, it shall submit a report
15 ~~every six months annually~~ to the Department of Justice, as
16 specified by the Attorney General. ~~The report shall detail for each~~
17 ~~task force operation, the purpose of the task force, the federal,~~
18 ~~state, and local law enforcement agencies involved, the number~~
19 ~~of California law enforcement agency personnel involved, a~~
20 ~~description of arrests made for any federal and state crimes, and~~
21 ~~a description of the number of people arrested for immigration~~
22 ~~enforcement purposes. All The law enforcement agency shall report~~
23 ~~the following information, if known , for each task force of which~~
24 ~~it is a member:~~

25 (A) *The purpose of the task force.*

26 (B) *The federal, state, and local law enforcement agencies
27 involved.*

28 (C) *The total number of arrests made during the reporting
29 period.*

30 (D) *The number of people arrested for immigration enforcement
31 purposes.*

32 (2) *All law enforcement agencies shall report annually to the
33 Department of Justice, in a manner specified by the Attorney
34 General, the number of transfers pursuant to paragraph (4) of
35 subdivision (a), and the offense that allowed for the transfer,
36 pursuant to paragraph (4) of subdivision (a).*

37 (3) All records described in this subdivision shall be public
38 records for purposes of the California Public Records Act (Chapter
39 3.5 (commencing with Section 6250)), including the exemptions
40 provided by that act and, as permitted under that act, personal

1 identifying information may be redacted prior to public disclosure.
2 *To the extent that disclosure of a particular item of information*
3 *would endanger the safety of a person involved in an investigation,*
4 *or would endanger the successful completion of the investigation*
5 *or a related investigation, that information shall not be disclosed.*

6 (4) *If more than one California law enforcement agency is*
7 *participating in a joint task force that meets the reporting*
8 *requirement pursuant to this section, the joint task force shall*
9 *designate a local or state agency responsible for completing the*
10 *reporting requirement.*

11 (d) The Attorney General, by March 1, 2019, and ~~twice a year~~
12 ~~annually thereafter, shall report on the types and frequency of joint~~
13 ~~law enforcement task forces. The report shall include, for the~~
14 ~~reporting period, assessments on compliance with paragraph (2)~~
15 ~~of subdivision (b), a list of all California law enforcement agencies~~
16 ~~that participate in joint law enforcement task forces, a list of joint~~
17 ~~law enforcement task forces operating in the state and their~~
18 ~~purposes, the number of arrests made associated with joint law~~
19 ~~enforcement task forces for the violation of federal or state crimes,~~
20 ~~and the the total number of arrests made associated with by joint~~
21 ~~law enforcement task forces forces, and the total number of arrests~~
22 ~~made for the purpose of immigration enforcement by all task force~~
23 ~~participants, including federal law enforcement agencies. To the~~
24 ~~extent that disclosure of a particular item of information would~~
25 ~~endanger the safety of a person involved in an investigation, or~~
26 ~~would endanger the successful completion of the investigation or~~
27 ~~a related investigation, that information shall not be included in~~
28 ~~the Attorney General's report. The Attorney General shall post the~~
29 ~~reports required by this subdivision on the Attorney General's~~
30 Internet Web site.

31 (e) ~~Notwithstanding any other law, a California law enforcement~~
32 ~~agency shall not transfer an individual to federal immigration~~
33 ~~authorities for purposes of immigration enforcement or detain an~~
34 ~~individual at the request of federal immigration authorities for~~
35 ~~purposes of immigration enforcement absent a judicial warrant or~~
36 ~~judicial probable cause determination, except as provided in~~
37 ~~paragraph (5) of subdivision (a). This subdivision does not limit~~
38 ~~the scope of subdivision (a).~~

39 (f)

1 (e) This section does not prohibit or restrict any government
2 entity or official from sending to, or receiving from, federal
3 immigration authorities, information regarding the citizenship or
4 immigration status, lawful or unlawful, of an *individual individual*,
5 *or from requesting from federal immigration authorities*
6 *immigration status information, lawful or unlawful, of any*
7 *individual, or maintaining or exchanging that information with*
8 *any other federal, state, or local government entity*, pursuant to
9 Sections 1373 and 1644 of Title 8 of the United States Code.

10 (f) *Nothing in this section shall prohibit a California law*
11 *enforcement agency from asserting its own jurisdiction over*
12 *criminal law enforcement matters.*

13 7284.8. (a) The Attorney General, by ~~April 1, October 1, 2018,~~
14 in consultation with the appropriate stakeholders, shall publish
15 model policies limiting assistance with immigration enforcement
16 to the fullest extent possible consistent with federal and state law
17 at public schools, public libraries, health facilities operated by the
18 state or a political subdivision of the state, courthouses, Division
19 of Labor Standards Enforcement facilities, *the Agricultural Labor*
20 *Relations Board, the Division of Workers Compensation, and*
21 *shelters, and ensuring that they remain safe and accessible to all*
22 *California residents, regardless of immigration status. All public*
23 *schools, health facilities operated by the state or a political*
24 *subdivision of the state, and courthouses shall implement the model*
25 *policy, or an equivalent policy.*—~~All The Agricultural Labor~~
26 ~~*Relations Board, the Division of Workers' Compensation, the*~~
27 ~~*Division of Labor Standards Enforcement, shelters, libraries, and*~~
28 ~~*all other organizations and entities that provide services related to*~~
29 ~~*physical or mental health and wellness, education, or access to*~~
30 ~~*justice, including the University of California, are encouraged to*~~
31 ~~*adopt the model policy.*~~

32 (b) *For any databases operated by state and local law*
33 *enforcement agencies, including databases maintained for the*
34 *agency by private vendors, the Attorney General shall, by October*
35 *1, 2018, in consultation with appropriate stakeholders, publish*
36 *guidance, audit criteria, and training recommendations aimed at*
37 *ensuring that those databases are governed in a manner that limits*
38 *the availability of information therein to the fullest extent*
39 *practicable and consistent with federal and state law, to anyone*
40 *or any entity for the purpose of immigration enforcement. All state*

1 and local law enforcement agencies are encouraged to adopt
2 necessary changes to database governance policies consistent with
3 that guidance.

4 (c) Notwithstanding the rulemaking provisions of the
5 Administrative Procedure Act (Chapter 3.5 (commencing with
6 Section 11340) of Part 1 of Division 3 of Title 2), the Department
7 of Justice may implement, interpret, or make specific this chapter
8 without taking any regulatory action.

9 7284.10. (a) The Department of Corrections and Rehabilitation
10 shall:

11 (1) In advance of any interview between the United States
12 Immigration and Customs Enforcement (ICE) and an individual
13 in department custody regarding civil immigration violations,
14 provide the individual with a written consent form that explains
15 the purpose of the interview, that the interview is voluntary, and
16 that he or she may decline to be interviewed or may choose to be
17 interviewed only with his or her attorney present. The written
18 consent form shall be available in English, Spanish, Chinese,
19 Tagalog, Vietnamese, and Korean.

20 (2) Upon receiving any ICE hold, notification, or transfer
21 request, provide a copy of the request to the individual and inform
22 him or her whether the department intends to comply with the
23 request.

24 (b) The Department of Corrections and Rehabilitation shall
25 not:

26 (1) Restrict access to any in-prison educational or rehabilitative
27 programming, or credit-earning opportunity on the sole basis of
28 citizenship or immigration status, including, but not limited to,
29 whether the person is in removal proceedings, or immigration
30 authorities have issued a hold request, transfer request, notification
31 request, or civil immigration warrant against the individual.

32 (2) Consider citizenship and immigration status as a factor in
33 determining a person's custodial classification level, including,
34 but not limited to, whether the person is in removal proceedings,
35 or whether immigration authorities have issued a hold request,
36 transfer request, notification request, or civil immigration warrant
37 against the individual.

38 7284.10.

39 7284.12. The provisions of this act are severable. If any
40 provision of this act or its application is held invalid, that invalidity

1 shall not affect other provisions or applications that can be given
2 effect without the invalid provision or application.

3 **SEC. 2.**

4 ~~SEC. 4.~~ Section 11369 of the Health and Safety Code is
5 repealed.

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

7 3058.10. (a) The Board of Parole Hearings, with respect to
8 inmates sentenced pursuant to subdivision (b) of Section 1168, or
9 the Department of Corrections and Rehabilitation, with respect to
10 inmates sentenced pursuant to Section 1170, shall notify United
11 States Immigration and Customs Enforcement of the scheduled
12 release on parole or postrelease community supervision, or
13 rerelease following a period of confinement pursuant to a parole
14 revocation without a new commitment, of all persons confined to
15 state prison serving a current term for the conviction of, or who
16 have a prior conviction for, a violent felony listed in subdivision
17 (e) of Section 667.5 or a serious felony listed in subdivision (e) of
18 Section 1192.7.

19 (b) The notification shall be made at least 60 days prior to the
20 scheduled release date or as soon as practicable if notification
21 cannot be provided at least 60 days prior to release. The only
22 nonpublicly available personal information that the notification
23 may include is the name of the person who is scheduled to be
24 released and the scheduled date of release.

25 **SEC. 4.**

26 ~~SEC. 5.~~ If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.

Legislative Platform Principles for Consideration

- Solano County's future is promising and County government has a critical role in ensuring that all of its residents share in that promise.
- All persons within Solano County are free and equal, and shall not be discriminated against based on their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, primary language, citizenship, or immigration status.
- Solano County is committed to assuring social, economic and physical environments are created and supported which promote good health and protect vulnerable populations so that community members and future generations have the opportunity to live, learn, work and play to their full potential.
- Solano County recognizes the historic and current contributions and value of diverse people and backgrounds to the health, well-being and economic vitality of the County.
- Solano County values the strength families and our workforce bring to our local economy.
- Solano County values the safety and equal protection and treatment of all people in our community.

**A RESOLUTION OF THE SOLANO COUNTY BOARD OF SUPERVISORS
TO MAINTAIN TRUST AND SAFETY FOR
IMMIGRANTS IN THE COUNTY OF SOLANO**

WHEREAS, a relationship of trust between Solano County's immigrant residents and our local agencies, including law enforcement, schools, public health, social services and many more is essential to carrying out basic local functions; and

WHEREAS, that trust is threatened when local agencies are involved in immigration enforcement; and

WHEREAS, Solano County does not have the resources to enforce federal immigration laws; and

WHEREAS, the local economy suffers when residents fear economic participation because of immigration status; and

NOW THEREFORE BE IT RESOLVED because Solano County has limited resources and the need to maintain trust among immigrants, the County commits to the following:

- A. The County shall not request or maintain information regarding the citizenship or immigration status of any person unless such inquiry is required by state or federal law
- B. The County shall not disclose information stemming from cases involving victims of domestic abuse or sexual assault, unless in alignment with the above Section A
- C. The County shall not use County Resources for federal immigration activities unless for those purposes in alignment with the above Section A.

BE IT FURTHER RESOLVED that the County will provide essential services to all County residents as allowed by law.

BE IT FURTHER RESOLVED that the County will continue to promote the health and safety of residents through professional interactions by County agencies with County residents without regard to immigration status except as noted in Section A.

BE IT FURTHER RESOLVED that the County is committed to ensuring the safety and trust of all of our residents without regard to immigration status.