

Date of Hearing: August 23, 2017

ASSEMBLY COMMITTEE ON APPROPRIATIONS  
Lorena Gonzalez Fletcher, Chair  
SB 54 (De León) – As Amended July 10, 2017

Policy Committee:	Public Safety	Vote:	5 - 2
	Judiciary		8 - 3

Urgency: No      State Mandated Local Program: Yes      Reimbursable: No

**SUMMARY:**

This bill prioritizes the use of public resources by law enforcement agencies in California for the enforcement of state laws by limiting the use of those resources for purposes of immigration enforcement.

**FISCAL EFFECT:**

- 1) First year Department of Justice (DOJ) costs in 2017-18 of \$1.9 million (GF), \$3.3 million in 2018-19, and ongoing annual costs of \$2.8 million thereafter to comply with all the provision in the bill.
- 2) During calendar year 2016, 818 inmates at the California Department of Corrections and Rehabilitation (CDCR) received a grant of parole. Of those 818 inmates, 160 had a listed immigration detainer. Under the provision of this bill, these 160 inmates with immigration detainers would, in all likelihood, remain under the supervision of CDCR and result in parole costs of approximately \$200,000 annually.
- 3) Unknown non-reimbursable costs to local law enforcement agencies to change their existing processes and procedures for interacting with federal immigration enforcement authorities and for reporting on their participation in law enforcement task forces (local funds). Because the bill does not mandate those local law enforcement agencies to provide new or expanded services, any such costs incurred by local governments are not likely to be interpreted as a reimbursable state mandate.
- 4) Additionally, the bill requires a local law enforcement agency to report to DOJ with specified information if the agency participates in a law enforcement task force. To the extent that local law enforcement agencies do participate in such task forces, they may incur costs to comply with the reporting requirements. However, because local law enforcement agencies have discretion as to whether they participate in such task forces, the costs of reporting to DOJ are not likely to be ruled a reimbursable state mandate.
- 5) Unknown fiscal risk to the state, to the extent that the prohibitions in the bill interfere with existing contracts between local law enforcement agencies or state agencies and federal immigration authorities. The Cities of San Bernardino and Stockton were recently identified as cities that may be disqualified from receiving federal grants due to their sanctuary city status. Fiscal Year 2016, CDCR was awarded \$50.6 million through federal State Criminal Alien Assistance Program (SCAAP) for housing individuals in prison who do not have

documentation. SB 54 could potentially put this annual funding source at risk if CDCR is not able to share information for the purposes of applying for the program.

COMMENTS:

- 1) **Background.** The Trump administration is in the process of formulating the immigration policy of the executive branch. Based on executive orders and other statements from the president, it appears that immigration enforcement is likely to be aggressive.

On January 25, 2016, President Trump signed a pair of executive orders on immigration. The orders crack down on people in the country without documentation and the cities that don't readily hand them over for deportation. In a statement made on March 27, 2017, Attorney General Jeff Sessions condemned cities that refuse to honor detainer requests and warned that such jurisdictions are "at risk of losing valuable federal dollars."

- 2) **Purpose.** According to the author, "when local police enforce immigration laws, they rapidly lose the trust of the undocumented community. Crimes go unreported for fear of deportation. The perpetrators roam free to strike again. Our communities become less – not more – safe."

"Senate Bill 54, the California Values Act, will prevent state and local law enforcement agencies from acting as agents of Immigration and Customs Enforcement. Instead, it will keep them focused on community policing, rather than rounding up hardworking, honest immigrants who in many instances assist police in solving crimes rather than committing them."

SB 54 prohibits state and local law enforcement (including school security) from doing any of the following: (1) using resources to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes that are specified in the bill, including entering into agreements authorized by federal law to delegate immigration powers to local police, and accepting designation as "immigration officers" pursuant to federal law; (2) making agency or department databases, including databases maintained for the agency or department by private vendors, or the information therein other than information within those databases regarding an individual's citizenship or immigration status, available to anyone or any entity for the purpose of immigration enforcement; (3) placing peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies; (4) using federal immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody; and (5) transferring an individual to federal immigration authorities unless authorized by a judicial warrant or judicial probable cause determination.

If a California law enforcement agency chooses to participate in a joint law enforcement task force, it is required to submit specified information, every six months, to DOJ. DOJ will be required to report twice per year this information on its Internet Web site.

SB 54 requires, by April 1, 2018, DOJ to publish model policies limiting assistance with immigration enforcement for use by specified state agencies, and political subdivisions of the state. All other agencies, including the University of California, that provide physical or mental health and wellness, education, or access to justice are encouraged to adopt the model policy.

Given that federal law only authorizes, but does not require, state and local officers to act as immigration officers, SB 54 does not conflict with federal law and can appropriately determine that such cooperation is not in the state's best interests.

- 3) **Support.** The ACLU of Northern California observes that "SB 54 upholds California's core values of equal treatment, community, family unity, and common humanity by ensuring that California's police departments, schools, healthcare facilities and courts remain accessible to Californians from all walks of life."
- 4) **Opposition.** The California Police Chiefs Association (CPCA) joins Peace Officers Research Association of California in opposition. CPCA states, "SB 54 will make it more difficult to work with our federal law enforcement partners in apprehending dangerous criminals, and threatens to create more fear in our communities by forcing federal immigration operations out of our jails and into our communities."

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