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## SB-54 Law enforcement: sharing data. (2017-2018)

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### Senate Bill No. 54

#### CHAPTER 495

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, relating to law enforcement.

[ Approved by Governor October 05, 2017. Filed with Secretary of State  
October 05, 2017. ]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 54, 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 money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as 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 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, 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, 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 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 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 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 Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** Section 7282 of the Government Code is amended to read:

**7282.** For purposes of this chapter, the following terms have the following meanings:

- (a) "Conviction" shall have the same meaning as subdivision (d) of Section 667 of the Penal Code.
- (b) "Eligible for release from custody" means that the individual may be released from custody because one of the following conditions has occurred:
  - (1) All criminal charges against the individual have been dropped or dismissed.
  - (2) The individual has been acquitted of all criminal charges filed against him or her.
  - (3) The individual has served all the time required for his or her sentence.
  - (4) The individual has posted a bond.
  - (5) The individual is otherwise eligible for release under state or local law, or local policy.
- (c) "Hold request," "notification request," and "transfer request" have the same meanings as provided in Section 7283. Hold, notification, and transfer requests include requests issued by the United States Immigration and Customs Enforcement or the United States Customs and Border Protection as well as any other immigration authorities.
- (d) "Law enforcement official" means any local agency or officer of a local agency authorized to enforce criminal statutes, regulations, or local ordinances or to operate jails or to maintain custody of individuals in jails, and any person or local agency authorized to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities.
- (e) "Local agency" means any city, county, city and county, special district, or other political subdivision of the state.
- (f) "Serious felony" means any of the offenses listed in subdivision (c) of Section 1192.7 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a serious felony as defined by subdivision (c) of Section 1192.7 of the Penal Code.
- (g) "Violent felony" means any of the offenses listed in subdivision (c) of Section 667.5 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a violent felony as defined by subdivision (c) of Section 667.5 of the Penal Code.

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

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

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

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

(3) The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony for, any of the following offenses:

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

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

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

(D) Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d, 266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.

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

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

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

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

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

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

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

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

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

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

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

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

(Q) A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and

12022.9 of, the Penal Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**CHAPTER 17.25. Cooperation with Immigration Authorities**

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

**7284.2.** The Legislature finds and declares the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) "Immigration enforcement" includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States.

(g) "Joint law enforcement task force" means at least one California law enforcement agency collaborating, engaging, or partnering with at least one federal law enforcement agency in investigating federal or state crimes.

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

(i) "Judicial warrant" means a warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest

and take into custody the person who is the subject of the warrant.

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

(k) "School police and security departments" includes police and security departments of the California State University, the California Community Colleges, charter schools, county offices of education, schools, and school districts.

**7284.6.** (a) California law enforcement agencies shall not:

(1) Use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including any of the following:

(A) Inquiring into an individual's immigration status.

(B) Detaining an individual on the basis of a hold request.

(C) Providing information regarding a person's release date or responding to requests for notification by providing release dates or other information unless that information is available to the public, or is in response to a notification request from immigration authorities in accordance with Section 7282.5. Responses are never required, but are permitted under this subdivision, provided that they do not violate any local law or policy.

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

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

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

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

(2) Place peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement. All peace officers remain subject to California law governing conduct of peace officers and the policies of the employing agency.

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

(4) Transfer an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with Section 7282.5.

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

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

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

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

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

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

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

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

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

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

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

(c) (1) If a California law enforcement agency chooses to participate in a joint law enforcement task force, for which a California law enforcement agency has agreed to dedicate personnel or resources on an ongoing basis, it shall submit a report annually to the Department of Justice, as specified by the Attorney General. The law enforcement agency shall report the following information, if known, for each task force of which it is a member:

(A) The purpose of the task force.

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

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

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

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

(3) All records described in this subdivision shall be public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250)), including the exemptions provided by that act and, as permitted under that act, personal identifying information may be redacted prior to public disclosure. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be disclosed.

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

(d) The Attorney General, by March 1, 2019, and annually thereafter, shall report on the total number of arrests made by joint law enforcement task forces, and the total number of arrests made for the purpose of immigration enforcement by all task force participants, including federal law enforcement agencies. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be included in the Attorney General's report. The Attorney General shall post the reports required by this subdivision on the Attorney General's Internet Web site.

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

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

**7284.8.** (a) The Attorney General, by October 1, 2018, in consultation with the appropriate stakeholders, shall publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, public libraries, health facilities operated by the state or a political subdivision of the state, courthouses, Division of Labor Standards Enforcement facilities, the Agricultural Labor Relations Board, the Division of Workers Compensation, and shelters, and ensuring that they remain safe and accessible to all California residents, regardless of immigration status. All public schools, health facilities operated by the state or a political subdivision of the state, and courthouses shall implement the model policy, or an equivalent policy. The Agricultural Labor Relations Board, the Division of Workers' Compensation, the Division of Labor Standards Enforcement, shelters, libraries, and 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.

(b) For any databases operated by state and local law enforcement agencies, including databases maintained for the agency by private vendors, the Attorney General shall, by October 1, 2018, in consultation with appropriate stakeholders, publish guidance, audit criteria, and training recommendations aimed at ensuring that those databases are governed in a manner that limits the availability of information therein to the fullest extent practicable and consistent with federal and state law, to anyone or any entity for the purpose of immigration enforcement. All state and local law enforcement agencies are encouraged to adopt necessary changes to database governance policies consistent with that guidance.

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

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

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

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

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

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

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

**7284.12.** The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

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

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



# NEWS RELEASE



## Chief Administrative Office El Dorado County

### EL DORADO COUNTY RELEASES STATEMENT ON SENATE BILL 54

#### FOR IMMEDIATE RELEASE

April 24, 2018

**Contact:** Carla Hass

**Phone:** (530) 621-4609

**(PLACERVILLE, CA)** – *The following statement can be attributed to the El Dorado County Chief Administrative Officer, Don Ashton, and County Counsel, Michael Ciccozzi:*

“The El Dorado County Board of Supervisors has closely followed the issues surrounding Senate Bill 54 (“SB 54”), which is known as “The California Value Act.” SB 54 made numerous amendments to state law and has been criticized for infringing local law enforcement’s ability to collaborate with federal immigration officials. While the key conflict surrounding SB 54 remains between the federal and state governments, the County remains concerned with how SB 54 may affect its ability to carry out its law enforcement responsibilities in the most effective means possible.

“The Board of Supervisors also understands that the alleged conflicts between state and federal law involves complex issues that cannot be meaningfully assessed by the County without the expenditure of significant staff time and resources to analyze the intricacies of SB 54 and federal immigration law. Objective analysis of the complex legal issues is expected in the near future.

“Specifically, the United States has sued the State of California in federal court claiming that SB 54 violates the Supremacy Clause of the United States Constitution. The United States moved to enjoin California from enforcing SB 54, and this motion will be heard by the federal District Court on June 20, 2018. The decision on the United States’ motion for preliminary injunction will require the court to evaluate the merits of the United States’ challenge to SB 54 and other state “sanctuary” laws (AB 450 and AB 103).

“The Board of Supervisors also understands that Orange County recently sought to intervene in the federal lawsuit, and Orange County’s motion to intervene is set to be heard June 5, 2018. As Orange County’s motion to intervene demonstrates, intervention is a complicated legal issue and seeking intervention would require the expenditure of significant County resources. Instead of expending limited resources at this time and taking away from other pressing County projects, the Board of Supervisors believes the more prudent avenue is to await the upcoming guidance from the court on whether a county is a proper party to the federal lawsuit.

“Another more limited option to present the County’s perspective in the federal lawsuit would be to file a “friend of the court” brief. At this time, five such amicus briefs have been filed, and the federal court indicated that any additional “duplicative or cumulative arguments will not be considered.” Because the motion for preliminary injunction will be heard in less than two months, any such brief would also be untimely. The County will continue to watch the federal lawsuit and evaluate whether such a brief in support of a future motion or appeal would be a prudent expenditure of County resources.”

###

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Protesters in California raise signs criticizing the sanctuary movement // Mike Blake/Reuters

## As California Protects Immigrants, Cities Revolt

**SARAH HOLDER** APR 3, 2018

The federal government's attack on California's "sanctuary state" laws is growing angry, grassroots heads.

After California moved to prevent state and local law enforcement from cooperating with federal immigration officials in October, Governor Jerry Brown and Attorney General Xavier Becerra were met with swift retaliation from Attorney General Jeff Sessions, who sued them and the state, alleging that three of the state's new laws (including Senate Bill 54) overstepped their rights as a state and violated the US Constitution's Supremacy Clause. (It's the same argument the Department of Justice makes in another suit it filed against California this week, over jurisdiction in sales of federal land.) But while California officials await their days in court, a new resistance is being mounted from within.

In March, the small city of Los Alamitos was the first to announce that they would put their commitment to federal law over state regulations, drafting an ordinance that would let them opt out of state-level sanctuary laws. Emboldened, other cities in Orange and San Diego Counties are drafting exemption ordinances of their own. They're the conservative mirror to the wave of liberal sanctuary cities like West Palm Beach, Fla., and Dallas County, Tex., that have pushed back against their conservative home state's strict immigration enforcement.

Los Alamitos mayor Troy Edgar explained the reasoning behind the city's vote: "The way sanctuary laws pass is that they conflict with the U.S. constitution, and specifically with our oaths of office to uphold and support the constitution," he said. Edgar's ordinance exempts the city from California's SB 54 law, and in March, the Los Alamitos city council voted for it 4-1. Yet California Governor Jerry Brown insists that, "This bill does not prevent or prohibit Immigration and Customs Enforcement or the Department of Homeland Security from doing their own work in any way," it just limits the level of cooperation the state has to provide—especially in deporting immigrants who face no criminal charges.

A 71 percent white, suburban Southern California city, Los Alamitos swings slightly more conservatively than others in the deep blue state: 44 percent of voters there voted for Trump in 2016, while 46 percent backed Clinton. "Half of our city is a U.S. military base, and we have a lot of folks who are either retired veterans or are currently serving that are amongst us," said Edgar. "Our residents are constantly complaining about the overreach of the state." (Of course, not all of Los Alamitos' residents are for the legislation: at the city council meeting where Edgar raised the ordinance, a long-time resident told the LA Times it was a "politically charged move which does not reflect all the Los Alamitos residents.")

As a California Charter City, Los Alamitos can pass local laws that provide clarification to state law, giving it more power to exempt itself from state policies its constituents protest. Not all small cities can move as aggressively, but in the days after Edgar announced his legislation, he says he's fielded calls from interested parties across the Golden State. Huntington Beach city councilman Travis Allen says his city's plans to opt out were brewing even before Los Alamitos' announcement. (Huntington Beach has charter powers, too.) And Buena Park, Upland, Fullerton, and Costa Mesa will be raising similar legislation in upcoming city council meetings, according to their representatives.

**“We wanted to make sure that there was a message that local cities within the state of California don’t agree with the direction that the state is going on this.”**

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Aliso Viejo Mayor Dave Harrington knows that without charter city designation, the city can’t exempt itself fully—instead, he’s preparing a more symbolic resolution. “It’s kind of an affirmation of our desire to uphold the U.S. Constitution first, and then the California state law,” he said. His council will vote on the resolution on April 4th.

Many of these opposing cities are located within Orange County, which is making its own sweeping moves. County Supervisor Michelle Steel announced a regional opt-out ordinance last week, prompting Twitter love from Donald Trump (“My Administration stands in solidarity with the brave citizens in Orange County defending their rights against California’s illegal and unconstitutional Sanctuary policies,” he wrote Wednesday). The Orange County Sheriff’s department also says they will begin posting release dates of immigrants they’ve detained, which will allow ICE to more easily scoop them up once they’re free. “We are tired of the state trying to use these arguments to prevent us from keeping the citizens safe,” Orange County Board of Supervisors member Shawn Nelson told CBS.

Orange County will also ride the coattails of Sessions’ lawsuit—which rests on the unconstitutionality of SB 54, Assembly Bill 450 (the “Workplace Raid” law) and Assembly Bill 103 (the “Detention Review” law)—by filing an amicus brief to the federal case, a move the cities of Los Alamitos and Aliso Viejo are making, too. In San Diego County to the south, the entirely Republican board of supervisors will vote on whether to file its own brief on April 17, when they’ll also weigh whether to join California’s lawsuit against the administration’s proposal to ask for citizenship status on the 2020 census.

“We just thought [we’d try] a kind of belt-and-suspenders strategy,” said Edgar of Los Alamitos’ amicus brief. While the city’s local opt-out ordinance could be blocked if the state of California decided to sue, an amicus brief, once joined to a federal lawsuit, can’t be erased. “That allows us to provide a perspective on what we think will be a constitutional issue that will go to the Supreme Court,” he continued. “We wanted to make sure that there was a message that local cities within the state of California don’t agree with the direction that the state is going on this.”

Ironically, Edgar says he took inspiration to push back against his sanctuary state from Oakland Mayor Libby Schaaf, who in February informed her constituents of ICE raids in the Bay Area before they happened, saying she believed it was her “duty and moral obligation as mayor to give those families fair warning when that threat appears imminent.”

While Edgar's approach to immigration is more hawkish—he said he would have willingly cooperated with ICE—he does see himself fitting into this pattern of mayors taking back local control. “Folks thought what she did was pretty inappropriate,” he said. “I think that definitely had an impact on people's impressions of, wow, a mayor actually makes a difference in this process.”

## Recommended

**What the  
DOJ's  
Lawsuit  
Could Mean  
for  
'Sanctuary'  
Laws**  
**TANVI MISRA**  
MAR 7, 2018

**'Anti-  
Sanctuary'  
Cities  
Continue to  
Multiply  
Under Trump**  
**TANVI MISRA**  
AUG 22, 2017

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These ordinances aren't the only way cities have been able to flout state control over immigration enforcement. Last March, [CityLab reported](#) that newly released Department of Homeland Security immigration enforcement memos contained an intent to “resurrect the ‘task force model’ of 287(g),” a provision of a 1996 immigration law that allows local jurisdictions to take a more active role in immigration enforcement. Sixty jurisdictions in 20 states are currently cooperating — [a number which almost doubled in 2017](#) — but none of them are in California.

It's not clear whether the state of California will push back against this wave of local revolts immediately, or ever, says Rick Su, a professor of local government and immigration law at the University of Buffalo. It will be much harder for them to split their energy over a two-fronted attack from above and below. “The only question is whether or not the state is going to fight them directly by filing lawsuits against these localities, or whether or not they're going to put their effort into fighting the lawsuit against the DOJ exclusively,” he said.

Politically, it might be smart for California to come out guns blazing, Su said, but legally it could prove more effective to focus on soundly winning the DOJ lawsuit, rendering many of the city fights moot. “If they win then they use that to essentially say that these claims don't make any sense, and there's nothing there,” he said. “Because [if it's not ruled] unconstitutional, they would still have an obligation to follow state law.”

## About the Author

**Sarah Holder**

[@PTSARAHDACTYL](#) / [FEED](#)

Sarah Holder is an editorial fellow at CityLab.

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CityLab is committed to telling the story of the world's cities: how they work, the challenges they face, and the solutions they need.

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**RESOLUTION NO. 2018-013**

**A RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SHASTA  
DECLARING THAT SHASTA COUNTY'S POLICIES COMPLY WITH  
FEDERAL IMMIGRATION LAWS AND THE COUNTY DOES NOT  
CONSTITUTE A "SANCTUARY" JURISDICTION**

**WHEREAS**, the County of Shasta respects both the rights of members of immigrant communities, and the authority of the United States government to regulate immigration; and

**WHEREAS**, federal law, 8 U.S.C. §§ 1373 and 1644, provides that no government entity may prohibit or restrict its officials from sending to, or receiving from, United States immigration authorities information regarding the citizenship or immigration status of any individual; and

**WHEREAS**, in addition to the foregoing legal restrictions, United States immigration authorities often request additional voluntary assistance from local governments and law enforcement agencies; and

**WHEREAS**, such voluntary assistance is largely unreimbursed by the United States government, and as with all requests for interagency aid, local governments and law enforcement agencies with limited resources are often forced to make difficult decisions regarding whether assistance can be provided on a case-by-case basis, including considerations of funding, personnel availability, jail capacity, and other legal obligations; and

**WHEREAS**, the County of Shasta is a political subdivision of the State of California and, as such, may not lawfully disregard the requirements of state law in the absence of a court order that the law is invalid.

**NOW, THEREFORE, BE IT RESOLVED**, that the County of Shasta, acting by and through the Board of Supervisors of the County of Shasta, hereby declares that the County of Shasta's policies comply with 8 U.S.C. §§ 1373 and 1644, and do not prohibit or restrict its officials, employees, or any other person from sending to, or receiving from, United States immigration authorities information regarding the citizenship or immigration status of any individual.

**BE IT FURTHER RESOLVED**, that the County of Shasta acting by and through the Board of Supervisors of the County of Shasta, hereby declares that it does not refuse to comply with federal immigration laws as the result of any local policy decisions by County elected officials, does not have any intention of hindering enforcement of those laws, and does not meet any reasonable definition of a "sanctuary" jurisdiction.

**BE IT FURTHER RESOLVED**, that the County of Shasta will endeavor to provide appropriate interagency assistance to United States immigration authorities within the limits of its resources, including funding, personnel availability, and jail capacity, and also within the limits of its legal obligations, including the limits of its legal obligations imposed by state law and judicial authority.

**BE IT FURTHER RESOLVED**, that the United States Congress, federal administration, and other appropriate agencies of the federal government are hereby urged to include representatives of rural local governments in California and nationwide in the process of developing any legal definition of a "sanctuary" jurisdiction.

**BE IT FURTHER RESOLVED**, that the United States Congress, federal administration, and other appropriate agencies of the federal government are hereby urged not to reduce, restrict, or eliminate any federal funding to local governments, on the sole basis that such local governments are sometimes unable to provide voluntary assistance to United States immigration authorities due to resource limitations and legal obligation limitations as described above.

**BE IT FURTHER RESOLVED**, that the United States Congress, federal administration, and other appropriate agencies of the federal government are hereby urged to provide local governments with full cost reimbursement for any assistance requested by and rendered to United States immigration authorities.

**BE IT FURTHER RESOLVED**, that the California Legislature, Governor, and appropriate California state agencies are hereby urged to adopt legislation, regulations, and policies applicable to local governments that adhere to federal law and are consistent with the authority of the United States government to regulate immigration.

**DULY PASSED AND ADOPTED**, this 6<sup>th</sup> day of February, 2018, by the Board of Supervisors of the County of Shasta by the following vote:

AYES: Supervisors Morgan, Rickert, and Baugh

NOES: None

ABSENT: None

ABSTAIN: Supervisors Kehoe and Moty



LES BAUGH, CHAIRMAN  
Board of Supervisors, County of Shasta  
State of California

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

By:   
Deputy



RESOLUTION NO. 2017-16

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA  
DECLARING THAT TEHAMA COUNTY COMPLIES WITH FEDERAL IMMIGRATION LAWS,  
AND DOES NOT CONSTITUTE A "SANCTUARY" JURISDICTION**

**WHEREAS**, the County of Tehama respects both the rights of members of immigrant communities, and the authority of the United States government to regulate immigration; and

**WHEREAS**, the term "sanctuary" jurisdiction has historically and correctly been applied to those local governments who deliberately refuse to comply with federal immigration laws as the result of local policy decisions by that jurisdiction's elected officials, with the intention of hindering enforcement of those laws; and

**WHEREAS**, federal law, 8 U.S.C. §§ 1373 and 1644, provides that no government entity may prohibit or restrict its officials from sending to, or receiving from, United States immigration authorities information regarding the citizenship or immigration status of any individual; and

**WHEREAS**, in addition to the foregoing mandatory legal obligations, United States immigration authorities often request additional voluntary assistance from local governments and law enforcement agencies, including requests to hold individuals in custody known as "immigration detainees"; and

**WHEREAS**, such voluntary assistance is largely unreimbursed by the United States government, and as with all requests for interagency aid, local governments and law enforcement agencies with limited resources are often forced to make difficult decisions regarding whether assistance can be provided on a case-by-case basis, including considerations of funding, personnel availability, jail capacity, and other legal obligations;

**NOW, THEREFORE, BE IT RESOLVED** that the County of Tehama, acting by and through the Tehama County Board of Supervisors, hereby **DECLARES** that the County of Tehama complies with 8 U.S.C. §§ 1373 and 1644, and does not prohibit or restrict its officials, employees, or any other person from sending to, or receiving from, United States immigration authorities information regarding the citizenship or immigration status of any individual.

**BE IT FURTHER RESOLVED** that the County of Tehama, acting by and through the Tehama County Board of Supervisors, hereby **DECLARES** that it **does not** refuse to comply with federal immigration laws as the result of any local policy decisions by County elected officials, **does not** have any intention of hindering enforcement of those laws, and **does not** meet any reasonable definition of a "sanctuary" jurisdiction.

**BE IT FURTHER RESOLVED** that the County of Tehama will **at all times** endeavor to provide appropriate interagency assistance to United States immigration authorities within the limits of its resources, including funding, personnel availability, jail capacity, and other legal obligations.

**BE IT FURTHER RESOLVED** that the United States Congress, federal Administration, and other appropriate agencies of the federal government are hereby urged to include representatives of rural local governments in California and nationwide in the process of developing any legal definition of a "sanctuary" jurisdiction.

**BE IT FURTHER RESOLVED** that the United States Congress, federal Administration, and other appropriate agencies of the federal government are hereby urged not to reduce, restrict, or eliminate any federal funding to local governments, on the sole basis that such local governments are sometimes unable to provide voluntary assistance to United States immigration authorities due to resource limitations as described above.

**BE IT FURTHER RESOLVED** that the United States Congress, federal Administration, and other appropriate agencies of the federal government are hereby urged to provide local governments with full cost reimbursement for any assistance requested by and rendered to United States immigration authorities.

**BE IT FURTHER RESOLVED** that the California Legislature, Governor, and appropriate California state agencies are hereby urged to adopt legislation, regulations, and policies applicable to local governments that adhere to federal law and are consistent with the authority of the United States government to regulate immigration.

The foregoing resolution was offered on a motion by Supervisor Williams, seconded by Supervisor Bundy, and carried by the following vote of the Board:

AYES: Supervisors Williams, Bundy and Garton

NOES: None

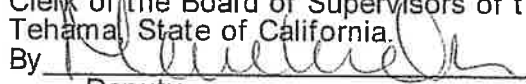
ABSENT OR NOT VOTING: Supervisors Chamblin and Carlson

  
CHAIR, Board of Supervisors

STATE OF CALIFORNIA }  
COUNTY OF TEHAMA } ss

I, JENNIFER A. VISE, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by said Board of Supervisors on the 7th day of February, 2017.

DATED: This 7th day of February, 2017.

JENNIFER A. VISE, County Clerk and ex-officio  
Clerk of the Board of Supervisors of the County of  
Tehama, State of California.  
By   
Deputy

**RESOLUTION OF THE BOARD OF SUPERVISORS OF  
ORANGE COUNTY, CALIFORNIA**

**March 27, 2018**

**WHEREAS**, the members of the Orange County Board of Supervisors have taken an Oath to support and defend the Constitution of the United States and the Constitution of the State of California; and

**WHEREAS**, the State of California enacted Senate Bill 54, called the California Values Act; and

**WHEREAS**, the California Values Act is codified into Government Code Title 1, Division 7, Chapter 17.25 entitled "Cooperation with Immigration Authorities;" and

**WHEREAS**, the Orange County Board of Supervisors finds that it is impossible to honor our oath to support and defend the Constitution of the United States and to be in compliance with California Government Code Title 1, Division 7, Chapter 17. 25; and

**WHEREAS**, the California Values Act cripples our law enforcement and creates a real threat to public safety; and

**WHEREAS**, employers, including the County of Orange, operating within the jurisdiction of the county of Orange who accept Federal Contracts and must comply with Federal Law, including lawful requests for access to premises; and

**WHEREAS**, the entire Joint Forces Training Base and Seal Beach Naval Weapons Station, may be required to comply with federal laws and is wholly located within the boundaries of the County of Orange; and

Resolution No. 18-021 Item No. S14A  
Adopt resolution of the Orange County Board of Supervisors to condemn state law that restricts law enforcement and endangers Public safety.


**WHEREAS**, the California Values Act may be in direct conflict with Federal Laws and the Constitution of the United States; now, therefore be it

**Resolved**, the Orange County Board of Supervisors does hereby reject the effort through state law to violate the Constitution of the United States and instead will comply with the appropriate Federal laws and the Constitution of the United States and encourage all cities and agencies within the County of Orange to do the same and direct county Counsel to take legal action.

Resolution No. 18-021 Item No. S14A  
Adopt resolution of the Orange County Board of Supervisors to condemn state law that restricts law enforcement and endangers Public safety.

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on March 27, 2018, to wit:

AYES:	Supervisors:	MICHELLE STEEL, SHAWN NELSON, TODD SPITZER LISA A. BARTLETT
NOES:	Supervisor(s):	
EXCUSED:	Supervisor(s):	ANDREW DO
ABSTAINED:	Supervisor(s):	

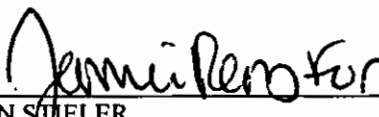
  
\_\_\_\_\_  
CHAIRMAN

STATE OF CALIFORNIA    )  
                                  )  
COUNTY OF ORANGE    )

**I, ROBIN STIELER, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors**

**IN WITNESS WHEREOF, I have hereto set my hand and seal.**



  
\_\_\_\_\_  
ROBIN STIELER  
Clerk of the Board  
County of Orange, State of California

Resolution No: 18-021  
Agenda Date: 03/27/2018  
Item No: S14A



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors, Orange County, State of California

Robin Stieler, Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy