

Date of Hearing: May 3, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS  
Chris Holden, Chair  
AB 1306 (Wendy Carrillo) – As Amended April 13, 2023

Policy Committee:	Public Safety	Vote:	6 - 0
	Judiciary		8 - 3

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

**SUMMARY:**

This bill prohibits the California Department of Corrections and Rehabilitation (CDCR) from cooperating with the United States Department of Homeland Security (DHS) when specified incarcerated people are being released from CDCR custody, including by detaining someone who has an immigration hold request or providing an immigration authority with release date information.

**FISCAL EFFECT:**

Potential costs to CDCR (General Fund) of an unknown but potentially significant amount. CDCR reports that if it stops cooperating with DHS as required by this bill, fewer formerly incarcerated people will be taken into DHS custody or deported. If that occurs, inmates who would have otherwise been deported or taken into DHS custody upon their release from prison may require parole supervision by CDCR. CDCR estimates that increased parole supervision costs resulting from this bill may be in the low millions of dollars, but it is difficult to predict these costs because there are so many potential intervening factors. For example, even without CDCR's cooperation, DHS would presumably detain and deport some formerly incarcerated people who are eligible for deportation, just as DHS does for other people in the community. CDCR also notes that this bill may result in additional habeas petitions and civil litigation, resulting in unknown but potentially significant litigation costs.

**COMMENTS:**

1) **Author's Statement.** According to the author:

AB 1306, 'The HOME Act' is a more narrow approach to end transfers between the Department of Corrections and Rehabilitation (CDCR) and Immigration Customs Enforcement (ICE) for individuals who have served their time and been paroled. The bill focuses on previous restorative justice legislation that has been signed into law and ensures individuals under those policies are able to return home and restart their lives regardless of their citizenship status.

2) **Background.** Existing law limits the ability of law enforcement agencies from honoring federal immigration holds and using agency resources to investigate, detain, or arrest a person for the purpose of immigration enforcement. However, under existing law, CDCR is not considered a law enforcement agency for the purposes of these limitations on

immigration enforcement activities. Although this bill does not subject CDCR to the same limitations that existing law places on law enforcement agencies' involvement in immigration enforcement, it limits the circumstances in which CDCR may provide information to or coordinate with DHS on immigration matters.

This bill prohibits CDCR from cooperating with DHS when specified inmates are being released. Specifically, CDCR cannot detain a person on the basis of an immigration hold request, provide an immigration authority with an inmate's release date information, respond to a notification request from an immigration authority, or transfer or facilitate transfer of a person to an immigration authority. The bill applies these prohibitions only on cooperation to incarcerate people released through a youth offender parole hearing, elderly parole, medical parole, compassionate release recall and resentencing, resentencing pursuant to the California Racial Justice Act, a grant of clemency, and other limited circumstances.

**Analysis Prepared by:** Annika Carlson / APPR. / (916) 319-2081