Date of Hearing: March 3, 2026
Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1537 (Bryan) – As Introduced January 5, 2026

**SUMMARY**: Prohibits peace officers from engaging in part-time or any other form of secondary employment for the United States (U.S.) Department of Homeland Security (DHS) or any other entity that engages in immigration enforcement. Specifically, **this bill**:

1) Prohibits an officer from engaging in casual, part-time, contract-based, or any other form of secondary employment for, and from being an independent contractor of, or volunteer for, DHS or its contractors, or any other entity that assists with or engages in immigration enforcement, as defined.

1) Provides that this prohibition applies notwithstanding existing provisions of law that permit officers to engage in part-time and off-duty employment, as specified.

2) Provides that for purposes of when a record relating to an incident involving dishonesty by an officer, as specified, is subject to disclosure under the California Public Records Act (CPRA), a violation of the above prohibition is an act of dishonesty and constitutes grounds for peace officer decertification, as specified.

3) Requires an officer to report to their employing law enforcement agency any offer of, request for, or attempt at secondary employment that involves assisting with or engaging in immigration enforcement.

4) Makes all records related to secondary employment of peace officers public records for purposes of the CPRA.

5) Defines the following terms:

    a) "Law enforcement agency" (LEA) means any local or state entity that employs a peace officer.

    b) "Immigration enforcement" means 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 U.S.

**EXISTING LAW**:

1) Generally authorizes peace officers to engage in casual, part-time employment, as follows:

a) Provides that the prohibition against accepting gratuities by public officers or employees does not preclude an officer from engaging in:

   i) Casual or part-time employment as a private security guard or patrolman for a public entity while off duty and outside their regular employment, and exercising peace officer powers concurrently with that employment, provided that the officer is in a police uniform and is subject to reasonable rules and regulations of their employing LEA. (Pen. Code, § 70, subd. (c)(1).)

   ii) Casual or part-time employment as a private security guard or patrolman by a private employer while off duty and outside their regular employment, and exercising peace officer powers concurrently with that employment, subject to the following:

      (1) The officer is in their police uniform.

      (2) The employment is approved by the governing county or city.

      (3) The wearing of uniforms and equipment is approved by the principal employer.

      (4) The officer is subject to reasonable rules and regulations of their employing LEA. (Pen. Code, § 70, subd. (d)(1).)

   iii) Other employment while off duty from their principal employment and outside their regular employment as an officer. (Pen. Code, § 70, subd. (e)(1).)

b) Prohibits an officer while off duty from their principal employment and outside their regular employment from exercising the powers of a police officer if employed by a private employer as a security guard during a strike, lockout, picketing, or other physical demonstration of a labor dispute, as specified. (Pen. Code, § 70, subd. (d)(2).)

c) Provides that subject to the above, and except as provided by written regulations or policies adopted by the employing agency, or pursuant to an agreement between the employing agency and a recognized employee organization representing the officer, no officer shall be prohibited from engaging in, or being employed in, other employment while off duty from their principal employment and outside their regular employment as an officer. (Pen. Code, § 70, subd. (e)(2).)

d) Requires an employer, if they withhold consent to allow an officer to engage in or be employed in other employment while off duty, to, at the time of denial, provide the reasons for denial in writing to the officer. (Pen. Code, § 70, subd. (e)(3).)

2) Generally prohibits local agency employees from engaging in employment that is incompatible with their principal duties, as follows:

   a) Prohibits a local agency officer or employee from engaging in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to their duties as a local agency officer or employee or with the duties, functions, or responsibilities of their appointing power or the agency by which they are employed. (Gov. Code, § 1126, subd. (a).)

b) Prohibits an officer or employee from performing any work, service, or counsel for compensation outside of their employment where any part of their efforts will be subject to approval by any other officer, employee, board, or commission of their employing body, unless otherwise approved. (Gov. Code, § 1126, subd. (a).)

c) Authorizes each appointing power to determine, subject to approval of the local agency, those outside activities which, for employees under its jurisdiction, are incompatible with their duties as local agency officers or employees. (Gov. Code, § 1126, subd. (b).)

d) Permits an employees outside employment, activity, or enterprise to be prohibited if it:

   i) Involves the use for private gain of their local agency time, facilities, equipment, and supplies, or the badge, uniform, or influence of their agency office or employment;

   ii) Involves acceptance by the officer or employee of any money or other consideration from anyone other than their local agency for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course of their employment or duties;

   iii) Involves the performance of an act in other than their capacity as a local agency employee, which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee or the agency by which they are employed; or

   iv) Involves time demands that would render the performance of their duties less efficient. (Gov. Code, § 1126, subd. (b).)

e) Requires local agencies to adopt rules governing the above conflict provisions, which shall include provision for notice to employees of the determination of prohibited activities, of disciplinary action to be taken against employees for engaging in prohibited activities, and for appeal by employees from such a determination and from its application to an employee. (Gov. Code, § 1126, subd. (c).)

f) Provides that none of the above is intended to prevent the employment by private business of a public employee, such as a peace officer, who is off duty, to do work related to and compatible with their regular employment, or past employment, provided the person to be employed has the approval of their agency supervisor and are certified as qualified by the appropriate agency. (Gov. Code, § 1127.)

3) Generally prohibits state employees from engaging in employment that is incompatible with their principal duties, as follows:

   a) Prohibits a state officer or employee from engaging in any employment, activity, or enterprise that is clearly inconsistent, incompatible, in conflict with, or inimical to their duties. (Gov. Code, § 19990.)

b) Permits each appointing power to determine, subject to approval of the department, those activities which, for employees under its jurisdiction, are incompatible with their duties. (Gov. Code, § 19990.)

c) Activities and enterprises deemed to fall in these categories shall include, but not be limited to, all of the following:

i) Using the influence of the state or the appointing authority for the officer's or employee's private gain, or the private gain of another.

ii) Using state time, facilities, equipment, or supplies for private gain or advantage.

iii) Using, or having access to, confidential information available by virtue of state employment for private gain or advantage, or providing confidential information to an unauthorized person.

iv) Receiving or accepting money or any other consideration from anyone other than the state for the performance of their duties.

v) Performance of an act in other than their capacity as a state officer or employee, knowing that the act may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by the officer or employee.

vi) Receiving or accepting, directly or indirectly, any gift, including money, or any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is doing or is seeking to do business of any kind with the officer's or employee's appointing authority or whose activities are regulated or controlled by the appointing authority under circumstances from which it reasonably could be substantiated that the gift was intended to influence the officer or employee in their official duties or was intended as a reward for any official actions.

vii) Subject to any other laws, rules, or regulations as pertain thereto, not devoting their full time, attention, and efforts to their state office or employment during their hours of duty as a state officer or employee. (Gov. Code, § 19990, subds. (a)-(g).)

**FISCAL EFFECT**: Unknown

**COMMENTS**:

1) **Author's Statement**: According to the author, "Nearly a decade ago, California took a stand and explicitly prohibited collaboration between our State and federal immigration enforcement. But our law currently has a harmful loophole that allows police officers to moonlight with ICE. AB 1537 is straightforward. If your day job is to serve our communities, you should not be off the clock terrorizing those very same communities as an ICE agent."

2) **Background:** The increase in federal immigration enforcement under the Trump Administration has been associated with aggressive federal recruitment efforts, including

efforts to recruit California peace officers to join federal immigration agencies.[1] This has raised concerns that existing law does not sufficiently prevent California officers from engaging in secondary employment positions with immigration enforcement agencies.[2] Accordingly, in October 2025, the Los Angeles City Council approved a motion to prohibit the Los Angeles Police Department from engaging in off-duty secondary employment with ICE, DHS, and the U.S. Customs and Border Protection (CBP).[3] No ordinance has been enacted yet. This bill seeks to enact a similar prohibition at the state level.

It is well-documented that law enforcement officers work part-time jobs in addition to their principal peace officer duties, often in security positions for private companies.[4] It is less clear if any California peace officers have engaged in immigration enforcement actions for ICE or CBP in a part-time capacity. At this time, the Committee has no knowledge of any specific examples of this occurring.

3) **The California Values Act:** The California Values Act, which became effective on January 1, 2018, limits the involvement of state and local LEAs in federal immigration enforcement. It prohibits LEAs from using resources to investigate, interrogate, detain, detect, or arrest people for immigration enforcement purposes. Prohibited cooperative activities include: 1) inquiring into an individual's immigration status; 2) detaining a person based on an ICE hold request; 3) providing information regarding a person's release date, except for persons convicted of specified crimes; 4) providing personal information about an individual; 5) participating in arrests based on civil immigration warrants; 6) participating in border patrol activities; 7) performing the functions of an immigration agent; 8) placing peace officers under federal agency supervision for purposes of immigration enforcement; 9) using ICE agents as interpreters for law enforcement matters, as specified; 10) transferring an individual to immigration authorities, as specified, unless authorized by a judicial warrant or the person has been convicted of specified crimes; 11) providing office space exclusively for immigration authorities; and 12) contracting with the federal government for use of LEA facilities to detain non-citizens for civil immigration custody purposes. (Gov. Code, § 7284.6, subd. (a).)

The Values Act contains several exceptions that permit LEAs to cooperate with immigration authorities to the extent such cooperation would not violate federal, state, or local law. (Gov. Code, § 7282.5.) Additionally, LEAs have discretion to transfer an individual to immigration authorities or provide ICE with information about an in-custody individual's release date for individuals arrested or convicted for certain crimes. (Gov. Code, § 7282.5, subds. (a) (1) & (2), (b).)

The Values Act may already prohibit certain types of law enforcement secondary employment with federal immigration authorities. First, the general prohibition against LEAs

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[1] Sharp, et.al., *ICE offers big bucks – but California police officers prove tough to poach*, Los Angeles Times (Sept. 22, 2025), available at: https://www.latimes.com/california/story/2025-09-22/ice-poaching-cops
[2] Mihalovich and Miller, *California Democrats have new plans for confronting ICE: Taxes, lawsuits, and location bans* (Jan. 28, 2026), available at: https://calmatters.org/politics/2026/01/democrats-immigration-legislation/
[3] *See* City of Los Angeles, *Official Action of the Los Angeles City* Council (Oct. 3, 2025), available at: https://cityclerk.lacity.org/onlinedocs/2025/25-0865_caf_10-07-25.pdf; City of Los Angeles, *Personnel and Hiring and Public Safety Committees Report* (Sept. 9, 2025), available at: https://cityclerk.lacity.org/onlinedocs/2025/25-0865_rpt_ph_9-17-25.pdf
[4] Elizabeth Joh, *Op-Ed: When police moonlight in their uniforms* (Oct. 13, 2014), available at: https://www.latimes.com/opinion/op-ed/la-oe-joh-police-moonlighting-vonderrit-myers-20141014-story.html

using agency resources for immigration enforcement could be violated to the extent that an officer uses agency equipment, such as their uniform or weapon, while engaged in secondary employment. (Gov. Code, § 7284.6, subd. (a)(1).) This is particularly true given that existing law conditions certain part-time officer employment, such as employment as a security guard or patrolman for a public entity, on that officer being in a police uniform. (Pen. Code, § 70, subds. (c)(1).) If an officer serves as a security guard or patrolman for a public entity, such as ICE or CBP, while wearing their uniform, that agency arguably could be considered to have used agency resources for immigration enforcement purposes. (Gov. Code, § 7284.6, subd. (a)(1).)

Second, LEAs are restricted from using agency resources or personnel for immigration enforcement purposes, including "performing the functions of an immigration officer," whether pursuant to specified agreements "or any other law, regulation, or policy, whether formal or informal." (Gov. Code, § 7284.6, subd. (a)(1)(G).) As discussed below, law enforcement secondary employment is generally regulated by their employing agency. Specifically, local and state agencies must adopt rules governing incompatible off-duty employment, which must notify their employees of such prohibited activities, identify disciplinary actions for engaging in prohibited activities, and provide the processes for an employee to appeal a determination of an incompatible activity. (Gov. Code, §§ 1126, subd. (c); 19990.) Here, an LEA policy that permits off-duty ICE employment could be treated as an informal policy that permits its employee-officers to perform the functions of an immigration officer in a part-time capacity, in violation of the California Values Act.

Third, the Values Act explicitly prohibits LEAs from "plac[ing] peace officers under the supervision of federal agencies or employ[ing] peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement." (Gov. Code, § 7284.6, (a)(2).) The requirement that local and state agencies must adopt rules regulating incompatible activities could lead to a finding that an LEA that permits its employees to engage in immigration enforcement while off duty is informally permitting its officers to be supervised by federal agencies. On the other hand, the language "place" suggests that the prohibition may be limited to an LEA actively appointing its employees to be supervised by federal immigration authorities. Accordingly, it seems unlikely that an officer's secondary employment with an immigration authority would violate this particular provision of the Values Act.

4) **Restrictions on Off-Duty Peace Officer Employment:** Peace officers are generally permitted to engage in other employment while off duty and outside their regular employment. (Pen. Code, § 70, subd. (e)(1).) Existing law prohibits an officer from being prohibited from engaging in other employment while off duty from their principal employment and outside their regular employment, except as provided by written regulations or policies adopted by their employing agency or pursuant to an agreement between the agency and a recognized employee organization representing the officer. (Pen. Code, § 70, subd. (e)(2).) This prohibition is subject to the specific restrictions that apply to part-time employment as a private security guard or patrolman, identified below. (*Ibid.*)

Peace officers are specifically authorized to engage in secondary employment as a private security guard or patrolman for a public entity, or private employer, while they are off duty and outside their principal employment, and exercising peace officer powers concurrently with that employment. (Pen. Code, § 70, subds. (c)(1) & (d)(1).) Such part-time employment

is permitted if the officer is in an approved police uniform and is subject to reasonable rules of their employing LEA. (*Ibid.*) If the part-time employment is for a private employer, additional requirements apply: 1) the employment must be approved by the governing municipality; and 2) the wearing of uniforms and equipment is approved by the principal employer. (Pen. Code, § 70, subd. (d)(1).)

However, any secondary employment cannot be incompatible with the officer's principal duties. Existing law prohibits a local or state officer or employee from engaging in any employment or activity that is inconsistent, incompatible, in conflict with, or inimical to their official duties. (Gov. Code, §§ 1126, subd. (a); 19990.) This prohibition differs slightly for state versus local officers. For state employees, the employment must be *clearly* incompatible with the person's official duties. (Gov. Code, § 19990.) For local employees, the employment must be for *compensation*. (Gov. Code, § 1126, subd. (a).) Local employees are also prohibited from performing any work outside of their agency where any part of their efforts will be subject to approval by an officer or entity of their employing body, unless otherwise approved. (Gov. Code, § 1126, subd. (a).)

Specific incompatible activities are largely determined by the employer agency. The appointing power for the given agency has discretion to determine those activities that are considered incompatible with their duties as a local or state officer. (Gov. Code, §§ 1126, subd. (b); 19990.) For local agencies, outside employment may be prohibited if it involves: 1) use for private gain of agency resources; 2) acceptance of consideration from anyone other than their agency for the performance of an act which would be expected to be rendered in their regular employment; 3) performance of an act outside their official capacity, which may be subject to the control, inspection, review, audit, or enforcement of another employee or the employing agency; or 4) time demands that make performance of their duties less efficient. (Gov. Code, § 1126, subd. (b).)

For state agencies, incompatible activities include, but are not limited to: 1) using state influence for private gain; 2) using state resources for private gain; 3) using confidential information for private gain, or providing such information to unauthorized persons; 4) accepting any consideration from anyone other than the state for the performance of official duties; 5) performing an act outside their official capacity, knowing it may be subject to the control, inspection, review, audit, or enforcement by the officer or employee; 6) accepting something of value from anyone seeking to do business with the person's appointing authority or whose activities are regulated by the appointing authority where it reasonably could be substantiated that the gift was intended to influence the person's official duties, as specified; and 7) failing to devote full efforts to their state office or employment during their hours of duty. (Gov. Code, § 19990, subds. (a)-(g).)

The applicable agency is required to adopt rules governing incompatible employment, which shall include notice to employees of the determination of prohibited activities, of disciplinary actions to be taken for engaging in such activities (in the case of local agencies), and for appeal by employees from such a determination and from its application to an employee. (Gov. Code, §§ 1126, subd. (c); 19990.)

Here, existing restrictions on incompatible off-duty employment may prohibit certain secondary peace officer employment related to immigration enforcement. First, peace officers employed by local agencies are prohibited from engaging in employment for

compensation that is incompatible not only with their own duties but also with "the duties, functions, or responsibilities" of their employing agency. (Gov. Code, § 1126, subd. (a).) This only applies to local agencies. The Values Act prohibits LEAs from using agency resources for immigration enforcement purposes, subject to narrowly tailored exemptions. (Gov. Code, § 7284.6, subd. (b).) Accordingly, it could be argued that a local peace officer's part-time employment with a federal immigration agency is inherently inconsistent and incompatible with their employing-LEA's more general duties and obligations to prevent agency resources from being used to assist with immigration enforcement efforts.

Second, an officer's part-time employment with an immigration agency could be interpreted to be prohibited by the restriction against an employee performing an act that later may be subject, directly or indirectly, to the control or enforcement of that employee, or, in the case of local agencies, the control or enforcement of that employee's agency. (Gov. Code, § 1126, subd. (b); 19990, subd. (e).) The Values Act permits LEAs to transfer an individual to immigration authorities or honor a notification request from immigration authorities for individuals who have a specified criminal history. (Gov. Code, § 7282.5, subd. (a).) Here, an officer could be deemed to violate this incompatibility prohibition if that officer is involved in part-time immigration enforcement actions against an individual who is ultimately arrested by their employing LEA and transferred to ICE due to that individual's criminal history; thereby subjecting that officer's secondary employment actions to the enforcement of their employing LEA.

5) **Effect of this Bill:** This bill contains four distinct provisions.

*First*, it prohibits a peace officer from engaging in casual, part-time, contract-based, or any other form of secondary employment for, and from being an independent contractor of or volunteer for, DHS or its contractors, or any other entity that assists with or engages in immigration enforcement, as defined. This prohibition applies irrespective of existing provisions of law authorizing officers to engage in off-duty employment. Immigration enforcement is defined to have the same meaning as it does in the Values Act. (Gov. Code, § 7284.4.)

The scope of this prohibition may be overly broad.

Preliminarily, this bill prohibits any type of secondary employment with DHS or its contractors, regardless of whether the particular DHS agency or department actually engages in immigration enforcement. DHS is a large federal umbrella agency that is made up of 16 component agencies: 1) U.S. Citizenship and Immigration Services; 2) CBP; 3) ICE; 4) U.S. Coast Guard; 5) Cybersecurity and Infrastructure Security Agency; 6) Federal Emergency Management Agency (FEMA); 7) Federal Law Enforcement Training Centers; 8) U.S. Secret Service; 9) Transportation Security Administration; 10) Management Directorate; 11) Science and Technology Directorate; 12) Countering Weapons of Mass Destruction Office; 13) Office of Intelligence and Analysis; 14) Office of Homeland Security Situational Awareness; 15) Office of Health Security; and 16) the Ombudsman Offices.[5] While this includes those agencies that are primarily responsible for enforcing federal immigration law

[5] Homeland Security, *Operational and Support Components* <https://www.dhs.gov/operational-and-support-components> [accessed Feb. 26, 2026].

– CBP and ICE – it also includes other agencies that may be minimally involved in immigration enforcement, if at all. As drafted, this prohibition may prevent officers from engaging in any part-time employment with federal agencies such as the U.S. Coast Guard or FEMA, regardless of whether that secondary employment involves immigration enforcement. Further, given that this prohibition also includes DHS contractors, an officer may not always be aware that a prospective secondary employer contracts with DHS. The author may wish to narrow the scope of this prohibition.

This prohibition on secondary employment can also be interpreted to separately apply to "any other entity that assists with or engages in immigration enforcement." This provision could prohibit California officers from engaging in any secondary employment with other state and local LEAs. This is because California state and local LEAs are permitted to assist with immigration enforcement efforts in certain ways. As previously noted, the Values Act permits LEAs to cooperate with immigration authorities to the extent such cooperation would not violate federal, state, or local law. (Gov. Code, § 7282.5.) Most notably, LEAs have discretion to transfer an individual to immigration authorities or provide ICE with information about an in-custody individual's release date for individuals arrested or convicted for certain crimes. (Gov. Code, § 7282.5, subds. (a) (1) & (2), (b).) Further, the definition of an LEA under the Values Act does not include the Department of Corrections and Rehabilitation. (Gov. Code, § 7284.4, subd. (a).) Given that local and state LEAs are permitted to assist ICE with immigration enforcement efforts in narrow ways, particularly when it comes to individuals who have committed certain crimes, this bill may inadvertently prevent officers from engaging in any type of secondary employment with other state and local LEAs. It is unclear if this is the author's intention.

*Second*, this bill provides that for purposes of when a record relating to an incident involving dishonesty by a peace officer, as specified, is subject to disclosure under the CPRA, a violation of the above prohibition is an act of dishonesty and constitutes grounds for peace officer decertification.

*Third*, it requires a peace officer to report to their employing law enforcement agency any offer of, request for, or attempt at secondary employment that involves assisting with or engaging in immigration enforcement.

The author may wish to clarify and narrow this requirement. As drafted, this requirement could arguably be triggered if an officer receives an ICE recruitment LinkedIn message or even a digital advertisement and subsequently ignores it. It may not be practical to require an officer to inform their agency every time an immigration agency attempts to recruit that officer. Further, given that many entities other than CBP and ICE engage in or assist with immigration enforcement, including state and local agencies as noted above, an officer may not always have knowledge that the potential secondary employer assists with immigration enforcement.

*Fourth*, it makes all records related to secondary employment of peace officers public records for purposes of the CPRA.

Personnel records of peace officers are generally confidential and cannot be disclosed, except as specified. (Pen. Code, § 832.7, subd. (a).) The type of peace officer records that may be made available for public inspection under the CPRA is carefully delineated in Penal Code

section 832.7. Disclosable records primarily include records relating to reports, investigations, or findings of specified misconduct. (Pen. Code, § 832.7, subd. (b)(1)(A)-(E).) Agencies are required to redact a peace officer's record only for specified purposes, including removing personal data or information, among others. (Pen. Code, § 832.7, subd. (b)(6).) This bill requires all peace officer secondary employment records to be subject to public disclosure, irrespective of whether the secondary employment relates to immigration enforcement. It does not contain any protections or exemptions for personal or sensitive information. The author may wish to consider narrowing or otherwise removing this provision.

6) **Constitutional Considerations:** This bill explicitly prohibits part-time employment with a federal department and, therefore, may be subject to a legal challenge under the Supremacy Clause.

State laws that conflict with federal laws or attempt to regulate the federal government may be invalidated for several reasons. The Supremacy Clause of the U.S. Constitution provides that federal law "shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." (USCS Const. Art. VI, Cl 2.)

The doctrine of intergovernmental immunity is derived from the Supremacy Clause of the Constitution. Intergovernmental immunity demands that "the activities of the Federal Government are free from regulation by any state." (*United States v. California* (9th Cir. 2019) 921 F.3d 865, 878 (citations omitted.) This makes a state regulation invalid if it "regulates the United States directly or discriminates against the Federal Government or those with whom it deals." (*N.D. v. United States* (1990) 495 U.S. 423, 435); *Boeing Co. v. Movassaghi* (9th Cir. 2014) 768 F.3d 832, 839.) This prohibition against directly regulating the federal government prohibits states from "interfering with or controlling the operations of the Federal Government." (*United States v. Washington* (2022) 596 U.S. 832, 838.) In contrast, "'[a] state or local law discriminates against the federal government if it treats someone else better than it treats the government.'" (*Boeing*, *supra*, 768 F.3d at p. 842, quoting *United States v. City of Arcata* (9th Cir. 2010) 629 F.3d 986, 991.) Notably, "*any* discriminatory burden on the federal government" is prohibited. (*United States v. California*, *supra,* 921 F.3d at p. 880) (emphasis in original). However, generally applicable state laws can apply to federal entities. (See Johnson v. Maryland, 254 U.S. 51, 56 (1920); *N.D*, *supra,* 495 U.S. at pp. 435-438; *United States v. Washington*, *supra,* 596 U.S. at p. 839.)

A related doctrine is conflict preemption, whereby state laws that conflict with federal law are preempted. (*U.S. v. California*, *supra*, F.3d at pp. 878-879.) "This includes cases where compliance with both federal and state regulations is a physical impossibility, and those instances where the challenged state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." (*Arizona v. United States*, 567 U.S. 387, 399 (2012).) For example, in *United States v. California* (2019) 921 F.3d 865, the Ninth Circuit Court of Appeals upheld the provisions of the California Values Act relating to law enforcement cooperation with ICE. The court of appeals had "no doubt that SB 54 makes the jobs of federal immigration authorities more difficult." (*Id.* at 886.) But the court concluded that "this frustration does not constitute obstacle preemption," because federal law "does not require any particular action on the part of California or its political subdivisions." (*Id*. at 889.) "Even if SB 54 obstructs federal immigration enforcement," the court stated,

"the United States' position that such obstruction is unlawful runs directly afoul of the Tenth Amendment and the anticommandeering rule." (*Id*. at 888.) "California has the right, pursuant to the anticommandeering rule, to refrain from assisting with federal efforts." (*Id*. at 891.) The court concluded that SB 54 does not violate the United States' intergovernmental immunity for similar reasons. (*Ibid*.)

Here, this bill prohibits off-duty peace officer employment with a specific federal department, which could lead to a lawsuit alleging that it discriminates against the federal government in violation of intergovernmental immunity. The likelihood of success of such a claim is unclear. The bill also applies more broadly to other entities that assist with or engage in immigration enforcement, which could increase its likelihood of withstanding such a discrimination-based intergovernmental immunity challenge. A claim that this restriction on secondary employment with DHS rises to the level of directly regulating the federal government or constitutes obstacle preemption is possible, albeit less likely, given that part-time California officer employment with DHS may not be considered critical to DHS duties and operations.

In the event this bill is enacted and subsequently challenged in court, the author may wish to add a severability clause. This may preserve the application of the rest of this bill's provisions if the provisions of this bill applying to DHS are found unconstitutional.

7) **Argument in Support**: According to the *Immigrant Legal Resource Center (ILRC)*, AB 1537 "would prohibit local and state law enforcement officers from engaging in any form of secondary employment or volunteering for Immigration and Customs Enforcement ("ICE"), the Department of Homeland Security, their contractors, or any entity that assists with or engages in federal immigration enforcement…

"Immigrants are a critical part of our communities. California is home to over 10 million people who are immigrants, nearly a quarter of all immigrants who call the U.S. home. In California, the Legislature has enacted a number of laws to limit local and state resources from being used to tear apart immigrant families and funnel people to ICE for detention and deportation. Unfortunately, despite the sanctuary protections in California, nothing in state law currently prevents local and state law enforcement officers from taking side jobs as ICE or deportation agents.

"Congress has appropriated $75 billion of our tax dollars to ICE over four years for mass deportations, and the federal administration desperately wants more ICE agents abducting our neighbors from the streets and harming members of the public across California. ICE is spending millions on ads in an attempt to recruit local police, including advertising campaigns in California markets.

"AB 1537 offers a clear and practical solution: preventing local and state law enforcement officers from clocking into a second job with ICE– an agency that is terrorizing communities across the country, tearing families apart, and operating with no accountability. Every day, ICE's abuses of power are spiraling further out of control. Local and state systems should not be turned into pipelines for deportation. AB 1537 reinforces those commitments by ensuring transparency, and accountability."

8) **Argument in Opposition**: According to the *Los Angeles Police Protective League*, "Assembly Bill 1537 (D-Bryan) raises very complex concerns.

**"Service in the U.S. Coast Guard is now considered dishonesty and a de-certifiable offense**

"The Coast Guard is a division of the Department of Homeland Security. Some of our members serve in the U.S. Coast Guard Reserve, and we believe that their service to this country is courageous and admirable. However, Assembly Bill 1537 (D-Bryan) labels their service as "dishonesty," and it requires the Commission on Peace Officer Standards and Training (POST) to de-certify them as peace officers in the State of California.

**"Providing World-Class Law Enforcement Training is now considered dishonesty, and a de-certifiable offense**

"The Federal Law Enforcement Training Centers are housed within the Department of Homeland Security. This means some of our most highly trained officers, who are world-renowned for their experience and skills and teach courses as contractor/guest instructors at FLETC or other federal law enforcement agencies, are engaged in dishonesty and are subject to de-certification by POST. It is hard for us to believe that teaching others to survive Active Shooter Scenarios, or Crime Scene Investigation, Digital Forensic Examination, or Law Enforcement Leadership Essentials would be considered a dishonest profession under the law…

**"Working for or assisting FEMA or TSA**

"The security industry has long been a gateway to a career in law enforcement, and the TSA has been a hub from which our officers recruit the next generation of law enforcement. While this bill does not prohibit recruitment from TSA, it has an explicit process for sending employees to "external training" using the SF-182, which is typically how agencies enroll staff in vendor-provided (often contractor-run) courses. Skilled LAPD officers are often asked to serve as guest instructors for compensation. But even if the instruction is volunteered, our members still run the risk of running afoul of AB1537. Officers who desire to volunteer with the Community Emergency Response Team, which LAPD officers have done, because this program is housed under FEMA, and because FEMA is housed under the Department of Homeland Security, run the risk of de-certification.

**"Constitutional Considerations**

"This bill requires de-certification based on employment, volunteerism, and general association. This bill lacks a rational nexus to officer fitness. Why is service in the Coast Guard, or any employment with any federal agency, irrespective of job title or performance, considered dishonesty and de-certifiable?

"Why is concurrent employment with Homeland Security de-certifiable, but concurrent involvement with the Department of Justice (FBI, U.S. Marshals, or DOJ) in immigration related matters is considered sufficiently honest, instead of dishonest?

"AB 1537 substitutes moral condemnation of a federal agency for an evidence-based assessment of officer fitness. It declares lawful federal employment "dishonest" without regard to conduct, intent, or performance; treats similarly situated federal law-enforcement associations differently without rational justification; and imposes career-ending consequences through irrebuttable presumptions that deny due process.

"**Practical Compliance Questions**

"The bill requires law enforcement officers to "report to their employing law enforcement agency any offer of, request for, or attempt at secondary employment." Key questions regarding this bill include the following:

- What qualifies as an "offer"?
- Must it be written?
- Must compensation be discussed?
- Does a recruiter's LinkedIn message count?
- Does an overheard comment count?
- What is an "attempt"?
- Who decides credibility?

"**Request for Amendments**

"We support accountability, and we support California's transparency laws. But this provision turns secondary employment records into a public safety risk. Second jobs often require listing a home address, contact details, schedules, and other identifiers, especially if the secondary employment is as a sole proprietor. Making that material broadly disclosable under CPRA creates a doxxing risk against our members and their families, while doing little to target misconduct. These types of progressive policies should be precise: disclose conflicts and wrongdoing, not personal identifiers. We're asking for guardrails that protect worker safety and privacy while preserving real accountability.

"Our request for amendments is as follows:

- Require redaction of personal identifiers, including but not limited to: home address, personal phone/email, DOB, SSN, and family member info.

- Make only conflict-of-interest determinations and approval/denial decisions public.

- Keep underlying forms submitted by our members confidential unless there's a sustained finding of misconduct."

9) **Related Legislation**:

a) AB 1896 (González) disqualifies a person from being a peace officer and from public employment more generally if they were employed by an entity that engaged in immigration enforcement between January 20, 2025, and January 20, 2029, among other changes. AB 1896 is pending referral to this Committee.

b) AB 1627 (Ávila Farías) disqualifies a person from being a peace officer or specified education employee if they were previously employed by ICE between September 1, 2025, and January 20, 2029, or by specified correction departments, among other changes. AB 1627 is pending referral to this Committee.

10) **Prior Legislation**:

a) SB 54 (De León), Chapter 495, Statutes of 2017, limits the involvement of state and local law enforcement agencies in federal immigration enforcement.

b) AB 359 (Koretz), Chapter 104, Statutes of 2003, states that nothing prohibits a peace officer from engaging in other employment while off duty, that no officer shall be prohibited from engaging in other employment except as specified, and that if an employer withholds consent to allow an officer to engage in other employment while off duty, the employer shall provide the reasons for denial in writing.

c) SB 243 (Peace), Chapter 452, Statutes of 1997, provides that the principal public agency employer of a peace officer who works off-duty for another public entity (the secondary employer) on a casual or part-time basis as a private security guard or patrolman shall require the secondary employer to enter into an indemnity agreement as a condition of approving such employment

d) SB 1375 (Peace), Chapter 710, Statutes of 1996, clarifies that a peace officer who contracts for their services as an armed private investigator or armed patrol operator is not exempt from licensure under the Private Investigators Act (Act).

**REGISTERED SUPPORT / OPPOSITION**:

**Support**

Empowering Marginalized Asian Communities (Co-Sponsor)
Freedom for Immigrants (Co-Sponsor)
Harbor Institute for Immigrant and Economic Justice (Co-Sponsor)
Immigrant Legal Resource Center (Co-Sponsor)
National Day Laborer Organizing Network (NDLON) (Co-Sponsor)
Pomona Economic Opportunity Center (Co-Sponsor)
Services, Immigrant Rights and Education Network (SIREN) (Co-Sponsor)
67 Sueños
Alliance for Boys and Men of Color
Alliance San Diego
Board of Supervisors for the City and County of San Francisco
Buen Vecino
California Attorneys for Criminal Justice
California Coalition for Women Prisoners
California Community Foundation
California Immigrant Policy Center
California Public Defenders Association
Californians for Justice
Californians United for a Responsible Budget

Center on Juvenile and Criminal Justice
Chinese for Affirmative Action
Chispa, a Project of Tides Advocacy
Communities United for Restorative Youth Justice (CURYJ)
Courage California
Culver City Democratic Club
Ella Baker Center for Human Rights
Felony Murder Elimination Project
Friends Committee on Legislation of California
Glide
Homies Unidos INC
Human Impact Partners
Immigrant Defenders Law Center
Initiate Justice
Justice2jobs Coalition
Khmer Girls in Action
LA Defensa
League of Women Voters of California
Legal Services for Prisoners With Children / All of US or None
Local 148 LA County Public Defenders Union
Multi-faith Action Coalition
New Light Wellness
Next Door Solutions to Domestic Violence
Oakland; City of
Orale: Organizing Rooted in Abolition, Liberation, and Empowerment
Orange County Rapid Response Network
Policing Project At Nyu Law School
Puente De LA Costa Sur
Restoring Hope California
Rubicon Programs
San Diego Immigrant Rights Consortium
San Francisco Public Defender
Secure Justice
Sister Warriors Freedom Coalition
South Bay People Power
Southeast Asia Resource Action Center
The Black Alliance for Just Immigration
The Change Parallel Project
Vietrise
Western Center on Law & Poverty, INC.

**Opposition**

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association

California Police Chiefs Association
California Reserve Peace Officers Association
California State Sheriffs' Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Los Angeles Police Protective League
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association

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