

THIRD READING

Bill No: AB 1537
Author: Bryan (D), Carrillo (D) and Ortega (D), et al.
Amended: 6/25/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 6/23/26
AYES: Arreguín, Caballero, Cortese, Pérez, Wiener
NOES: Seyarto

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/13/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 51-21, 5/27/26 - See last page for vote

SUBJECT: Peace officers: secondary employment

SOURCE: ICE Out of California Coalition

DIGEST: This bill prohibits specified peace officers from engaging in any form of secondary employment that involves engaging in, arresting, detaining, transporting, or deporting individuals pursuant to federal immigration laws, as specified.

ANALYSIS:

Existing law:

- 1) Establishes the Commission on Peace Officer Standards and Training (POST) to set minimum standards for the recruitment and training of peace officers, develop training courses and curriculum, and establish a professional certificate program that awards different levels of certification based on training, education, experience, and other relevant prerequisites. (Penal (Pen.) Code, §§ 830-832.10; 13500 et seq.)

- 2) Requires POST to establish a certification program for peace officers, as defined, and provides that basic, intermediate, advanced, supervisory, management, and executive certificates shall be established for the purpose of fostering professionalization, education, and experience necessary to adequately accomplish the general police service duties performed by peace officers. (Pen. Code § 13510.1, subds. (a), (b).)
- 3) Gives POST the authority to suspend, revoke, or cancel any certification, which extends to any certificate or proof of eligibility issued by the commission, including any certificate or proof of eligibility that is invalid, inactive, expired or canceled. (Pen. Code § 13510.1, subd. (f).)
- 4) Establishes the California Public Records Act (CPRA), which generally provides that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state, and requires government agencies to disclose government records to the general public upon request, unless such records are exempted from disclosure. (Government (Gov.) Code, § 7920.000 et seq.)
- 5) Provides that the CPRA does not require the disclosure of peace officer personnel files and background investigation files gathered by law enforcement agencies that are in the custody of POST in connection with the commission's authority to verify eligibility for the issuance of certification and investigate grounds for decertification of a peace officer including any and all investigative files and records relating to complaints of, and investigations of, police misconduct, and all other investigative files and materials. (Gov. Code, § 7923.601.)
- 6) Generally provides that the personnel records of peace officers and custodial officers and records maintained by a state or local agency or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery. This provision does not apply to investigations or proceedings concerning the conduct of peace officers or custodial officers, or an agency or department that employs those officers, conducted by a grand jury, a district attorney's office, the Attorney General's office, POST, or a civilian oversight board, as specified. (Pen. Code, § 832.7, subd. (a).)
- 7) Specifies that notwithstanding the above provision or any other law, specified peace officer or custodial officer personnel records and records maintained by a state or local agency – including any record relating to an incident in which a sustained finding was made involving dishonesty by a peace officer, as

specified – are not confidential and shall be made available for public inspection pursuant to the CPRA. (Pen. Code, § 832.7, subd. (b)(1).)

- 8) 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).)
- 9) 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).)
- 10) 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, and provides that an employee's outside employment, activity, or enterprise may be prohibited if certain conditions are met. (Gov. Code, § 1126, subd. (b).)
- 11) 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.)
- 12) Authorizes each appointing power to determine, subject to approval of the Department of Human Resources (Cal HR), those activities which, for employees under its jurisdiction, are incompatible with their duties. (Gov. Code, § 19990.)
- 13) Provides that every executive or ministerial officer, employee, or appointee of the State of California, or any county or city therein, or any political subdivision thereof, who knowingly asks, receives, or agrees to receive any emolument, gratuity, or reward, or any promise thereof excepting such as may be authorized by law for doing an official act, is guilty of a misdemeanor. (Pen. Code, § 70, subd. (a).)
- 14) Specifies that the above prohibition does not preclude a peace officer from engaging in, or being employed in, other employment while off duty from his or her principal employment and outside his or her regular employment as a peace officer of a state or local agency. (Pen. Code, § 70, subd. (e)(1).)

- 15) 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).)
- 16) 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).)

This bill:

- 1) Provides that notwithstanding the above provisions permitting secondary employment a peace officer shall not engage in any form of secondary employment, including contract based or as an individual contractor, that involves engaging in arresting, detaining, transporting, or deporting individuals pursuant to federal immigration laws.
- 2) Exempts service with any branch of the United States Armed Forces from the above prohibition.
- 3) Specifies that a violation of the prohibition in (1) above is an act of serious misconduct and may constitute grounds for decertification, as specified.
- 4) Requires a peace officer to report to their employing law enforcement agency any conditional offer of secondary employment subject to (1) above.
- 5) Defines the following terms for the purposes of the prohibition in (1) above:
 - a) “Law enforcement agency” means any local or state entity that employs a peace officer.
 - b) “Conditional offer” is defined as any communication from a potential employer to an individual officially offering an individual to accept a position.
 - c) “Peace officer” refers to a range of sheriff’s deputies, police officers, marshals, investigators, custodial officers, correctional officers, parole officers and agents, and probation officers, as specified.

- d) “Response” is defined as any communication from a peace officer replying to a conditional offer.
- 6) Provides that records that are reportable under (4) above or that are related to secondary employment pursuant to (1) above, including records of investigations into violations of that provision where there is a sustained finding that a violation did occur, shall be maintained by the law enforcement agency and shall constitute public records for purposes of the CPRA.
- 7) Includes a severability clause.

Comments

Penal Code section 70 makes it a crime for a public employee in California to receive consideration in exchange for doing an official act. This provision also makes clear that a peace officer is not prohibited from engaging in casual or part-time employment as a private security guard or patrolman for a public entity or a private employer, provided certain conditions are met as to both, and only when the officer is off-duty from their principal employment. Moreover, section 70 makes clear that peace officers are permitted to engage in other outside employment while off-duty from their principal employing agency, subject only to written regulations or policies adopted by the employing state or local agency, or pursuant to an agreement between the employing state or local agency and a recognized employee organization representing the peace officer. If an employer withholds consent to allow a peace officer to obtain outside employment while off-duty, the employer is required to provide the reasons for denial in writing to the peace officer. For instance, Sacramento Police Department’s General Order on Outside Employment provides that sworn SPD officers shall not work in any outside employment that “involves any other municipality or political subdivision of the state or federal government except with express permission from the Chief of Police.”

This bill seeks to prevent California law enforcement officers from seeking outside employment with an entity engaged in immigration enforcement. According to the author, “Working for ICE on one shift while working as a California law enforcement officer on the next presents insurmountable conflict of interest concerns [...] Working for both employers divides loyalty between local community safety and federal deportation priorities [and] can further erode community trust when residents fear contacting the police due to a potential association with immigration enforcement.” Accordingly, this bill amends Penal Code section 70 to prohibit peace officers from engaging in any form of secondary employment, including contract based or as an individual contractor, that involves

engaging in arresting, detaining, transporting, or deporting individuals pursuant to federal immigration laws. This bill specifies that a violation of this prohibition constitutes serious misconduct and may constitute grounds for decertification of the offending officer. Moreover, this bill requires officers to report to their employing agency any conditional offer of secondary employment that involves immigration-related responsibilities described above. This bill additionally provides that records related to these offers of employment, as well as investigations into any violations of the operative prohibition where there was a sustained finding that a violation did occur, are subject to the CPRA.

For additional discussion and context, see the analysis prepared by the Senate Committee on Public Safety.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

Major costs to state law enforcement entities to maintain employment records subject to the PRA (special funds, General Fund).

Major costs to local law enforcement entities to maintain employment records subject to the Public Records Act (PRA). Reimbursement would be subject to a determination by the Commission on State Mandates (General Fund).

Minor to moderate costs to the Commission on Peace Officer Standards and Training (POST) to investigate violations of serious misconduct that may constitute grounds for decertification of employees.

SUPPORT: (Verified 8/13/26)

ICE Out of California Coalition (source)
 AAPIs for Civic Empowerment
 Able Community Development Foundation
 Ahri Center, a Project of Tides Center
 All of US or None (HQ)
 Alliance for Boys and Men of Color
 Alliance San Diego
 American Friends Service Committee
 Asian Prisoner Support Committee
 Aypal: Building Api Community Power
 Berkeley District 7 - Councilmember Cecilia Lunaparra
 Black Women Organized for Political Action

Buen Vecino
CA Healthy Nail Salon Collaborative
California Attorneys for Criminal Justice
California Coalition for Women Prisoners
California Community Foundation
California Faculty Association
California Immigrant Policy Center
California Public Defenders Association
California-Hawaii State Conference of the NAACP
Californians United for a Responsible Budget
Center for Human Rights and Constitutional Law
CFT – a Union of Educators & Classified Professionals, Aft, Afl-cio
Chinese for Affirmative Action
Chispa
City of Culver City
Coalition for Humane Immigrant Rights
Communities United for Restorative Youth Justice
Council on American-Islamic Relations, California
Courage California
Drug Policy Alliance
Education and Leadership Foundation
Ella Baker Center for Human Rights
Empowering Marginalized Asian Communities
Freedom for Immigrants
Fresh Lifelines for Youth
Friends Committee on Legislation of California
Glide
Glide Foundation
Harbor Institute for Immigrant and Economic Justice
Immigrant Defense Project
Immigrant Legal Resource Center
Initiate Justice
Inland Coalition for Immigrant Justice
Justice2jobs Coalition
Khmer Girls in Action
LA Defensa
League of Women Voters of California
Legal Services for Prisoners With Children
Multi-faith Action Coalition
National Day Laborer Organizing Network

New Light Wellness
Nextgen California
Oakland; City of
Orale: Organizing Rooted in Abolition Liberation and Empowerment
Orange County Equality Coalition
Orange County Justice Fund
Orange County Rapid Response Network
Pacifica Social Justice
Peace and Justice Law Center
Pilipino Workers Center of Southern California
Pomona Economic Opportunity Center
Resilience Orange County
Rubicon Programs
San Francisco Board of Supervisors
San Francisco Public Defender
Santa Barbara County Board of Supervisors
Santa Monica Democratic Club
Secure Justice
Services, Immigrant Rights and Education Network
Showing Up for Racial Justice (SURJ) San Diego
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Beyond Impact
Social Justice Collaborative
South Bay People Power
Southeast Asia Resource Action Center
St. Joseph Justice Center
Stockton Democrats Together
The Social Justice Ministry of the Live Oak Unitarian Universalist Congregation of
Goleta, CA
Unitarian Universalist Fellowship of Redwood City, Social Action Committee
Universidad Popular
Viet Rainbow of Orange County
Viet Rise
Viet Voices
Vietnamese American Roundtable
Western Center on Law & Poverty
Youth Alliance
Youth Justice Coalition

OPPOSITION: (Verified 8/13/26)

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of Highway Patrolmen
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
Fullerton Police Officers' Association
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
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
U.S. Department of Justice
Multiple Individuals

ASSEMBLY FLOOR: 51-21, 5/27/26

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Ortega, Papan, Patel, Pellerin, Quirk-Silva, Ransom, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Stefani, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Alanis, Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Johnson, Lackey, Macedo, Patterson, Ramos, Sanchez, Ta, Tangipa, Wallis

NO VOTE RECORDED: Muratsuchi, Nguyen, Pacheco, Petrie-Norris, Celeste
Rodriguez, Michelle Rodriguez, Soria, Valencia

Prepared by: Alex Barnett / PUB. S. /
8/14/26 12:16:37

**** **END** ****