

Date of Hearing: April 14, 2026

Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1627 (Ávila Farías) – As Amended April 7, 2026

SUMMARY: Disqualifies a person previously employed by the United States Immigration and Customs Enforcement (ICE) or specified out-of-state corrections departments, during specified time periods, from being employed as a peace officer. Specifically, **this bill:**

- 1) Provides that any person previously employed by ICE at any time between September 1, 2025, and January 20, 2029, or by the Alabama Department of Corrections or the Georgia Department of Corrections at any time between January 1, 2020, and January 1, 2026, is disqualified from holding office as a peace officer or being employed as a peace officer of the state, county, city, city and county, or other political subdivision, as specified, and is disqualified from any office or employment by any such entity, as specified, which confers upon the holder or employee the powers and duties of a peace officer.
- 2) Specifies that a person who is disqualified from service as a peace officer, pursuant to the above, may petition the State Personnel Board to restore their eligibility to serve as a peace officer. In deciding whether to restore eligibility, the State Personnel Board shall determine if the petitioner has demonstrated sufficient rehabilitation of moral character to ensure the safety and dignity of the public.
- 3) Requires the Department of Corrections and Rehabilitation (CDCR) to complete an investigation of previous employment at ICE, the Alabama Department of Corrections, and the Georgia Department of Corrections for any applicant for employment as a peace officer before the applicant may be employed or begin training as a peace officer.
- 4) Prohibits a person employed by ICE at any time between September 1, 2025, and January 20, 2029, or the Alabama Department of Corrections or the Georgia Department of Corrections at any time between January 1, 2020, and January 1, 2026, from being employed as a teacher, principal, superintendent, chancellor, or other administrator by any school district, charter school, county office of education, or community college district, or by the University of California, or by the California State University.
- 5) Specifies that a person who is disqualified from employment under the immediately preceding paragraph may petition the State Personnel Board to restore their eligibility. In deciding whether to restore eligibility, the State Personnel Board shall determine if the petitioner has demonstrated sufficient rehabilitation of moral character to ensure the safety, dignity, and moral development of the students served by California's schools.
- 6) Requires the Department of Education to complete a background investigation, including an investigation of previous employment at ICE, the Alabama Department of Corrections, or the Georgia Department of Corrections, for any applicant for employment as a teacher, principal,

superintendent, chancellor or other administrator before the applicant may be employed as a teacher, principal, superintendent, chancellor, or other administrator by any school district, charter school, county office of education, or community college district, or by the University of California, or by the California State University.

7) Includes a severability clause.

EXISTING LAW:

- 1) Disqualifies each of the following persons, except as specified below, from holding office as a peace officer or being employed as a peace officer by any state or local agency, as specified:
 - a) Any person who has been convicted of a felony, or of any offense in any other jurisdiction which would be a felony if committed in this state.
 - b) Any person who has been discharged from the military for committing an offense, as adjudicated by a military tribunal, which would be a felony if committed in this state.
 - c) Any person who, after January 1, 2004, has been convicted of a crime based upon a verdict or finding of guilt of a felony by the trier of fact, or upon the entry of a plea of guilty or nolo contendere to a felony, regardless of whether a court declares the offense a misdemeanor or the offense becomes a misdemeanor by operation of law, as specified.
 - d) Any person who has been charged with a felony and adjudged to be mentally incompetent, as specified.
 - e) Any person who has been found not guilty by reason of insanity of any felony.
 - f) Any person who has been determined to be a mentally disordered sex offender, as specified.
 - g) Any person adjudged addicted or in danger of becoming addicted to narcotics, convicted, and committed to a state institution as specified.
 - h) Any person who, following exhaustion of all available appeals, has been convicted of, or adjudicated through an administrative, military, or civil judicial process requiring not less than clear and convincing evidence, as having committed an act that is a violation of a specified forgery offense, alteration of jury-lists, jury tampering, or falsifying jury lists, specified perjury offenses, specified falsifying evidence offenses, specified witness intimidation offenses, and specified offenses against public justice, including any act committed in another jurisdiction that would have been a violation of any of those sections if committed in this state.
 - i) Any person who has been issued a peace officer certification, as specified, and has had that certification revoked by the Commission on Peace Officer Standards and Training (POST), has voluntarily surrendered that certification, as specified, or, having met the minimum requirement for issuance of certification, has been denied issuance of certification.

- j) Any person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or any other database designated by the federal government whose certification as a law enforcement officer in that jurisdiction was revoked for misconduct, or who, while employed as a law enforcement officer, engaged in serious misconduct that would have resulted in their certification being revoked by the commission if employed as a peace officer in this state. (Gov. Code, § 1029, subd. (a)(1)-(11).)
- 2) Specifies that a plea of guilty to a felony pursuant to a deferred entry of judgment program, as specified, shall not alone disqualify a person from being a peace officer unless a judgment of guilty is entered, as specified. (Gov. Code, § 1029, subd. (b)(1).)
- 3) Specifies that a person who pleads guilty or nolo contendere to, or who is found guilty by a trier of fact of, an alternate felony-misdemeanor drug possession offense and successfully completes a program of probation, as specified, shall not be disqualified from being a peace officer solely on the basis of the plea or finding if the court deems the offense to be a misdemeanor or reduces the offense to a misdemeanor. (Gov. Code, § 1029, subd. (b)(2).)
- 4) Specifies that any person who has been convicted of a felony, other than a felony punishable by death, in this state or any other state, or who has been convicted of any offense in any other state which would have been a felony, other than a felony punishable by death, if committed in this state, and who demonstrates the ability to assist persons in programs of rehabilitation may hold office and be employed as a parole officer of CDCR or the Division of Juvenile Justice (DJJ), or as a probation officer in a county probation department, if the person has been granted a full and unconditional pardon for the felony or offense of which they were convicted, although CDCR, DJJ, or the probation department may still refuse to employ that person regardless of their qualifications. (Gov. Code, § 1029, subd. (c).)
- 5) States that none of the above section limits or curtails the power or authority of any board of police commissioners, chief of police, sheriff, mayor, or other appointing authority to appoint, employ, or deputize any person as a peace officer in time of disaster caused by flood, fire, pestilence or similar public calamity, or to exercise any power conferred by law to summon assistance in making arrests or preventing the commission of any criminal offense. (Gov. Code, § 1029, subd. (d).)
- 6) States that none of the above prohibits a person from holding office or being employed as a superintendent, supervisor, or employee having custodial responsibilities in an institution operated by a probation department, if at the time of the person's hire a prior conviction of a felony was known to the person's employer, and the class of office for which the person was hired was not declared by law to be a class prohibited to persons convicted of a felony, but as a result of a change in classification, as provided by law, the new classification would prohibit employment of a person convicted of a felony. (Gov. Code, § 1029, subd. (e).)
- 7) Requires the Department of Justice (DOJ) to supply POST with necessary disqualifying felony and misdemeanor conviction data for all persons known by the department to be

current or former peace officers, and permits POST to use the information for decertification purposes. (Gov. Code, § 1029, subd. (f).)

- 8) Specifies that this data, once received by the POST, shall be made available for public inspection, including documentation of the person's appointment, promotion, and demotion dates, as well as certification or licensing status and the reason or disposition for the person leaving service. (Gov. Code, § 1029, subd. (f).)
- 9) Requires CDCR and the Department of the Youth Authority to complete a background investigation, using as guidelines standards defined by POST, of any applicant for employment as a peace officer before the applicant may be employed or begin training as a peace officer, and specifies, to reduce potential duplication of effort by individual institutions, that investigations shall be accomplished by each department on a centralized or regional basis to the extent administratively feasible. (Gov. Code, § 1029.1.)
- 10) Requires every law enforcement agency (LEA) to require a peace officer or prospective peace officer to undergo a fingerprint-based state and national criminal history background check. (Gov. Code, § 1030, subd. (a).)
- 11) Requires an LEA to submit to the DOJ fingerprint images and related information for a peace officer or prospective officer who is subject to a state and national criminal history background check, as specified, and requires the DOJ to provide a state- or federal-level response, as specified. (Gov. Code, § 1030, subd. (b).)
- 12) Establishes minimum standards for peace officers, including that they: 1) are legally authorized to work in the U.S. under federal law; 2) are at least 18 years of age; 3) are fingerprinted for purposes of searching local, state, and national fingerprint files to disclose a criminal record; 4) are of good moral character, as determined by a thorough background investigation; 5) are a high school graduate or have attained other specified educational levels; 6) are free from any physical, emotional, or mental condition, including bias against race, ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of peace officer powers, and specifies that these provisions shall be interpreted and applied consistent with federal law and regulations (Gov. Code, § 1031, subds. (a)-(h).)
- 13) Requires, for purposes of performing a thorough background investigation for applicants not currently employed as a peace officer, as required in the above paragraph, or in the case of an applicant for a position other than a sworn peace officer within an LEA, an employer shall disclose employment information relating to a current or former employee, upon request of a law enforcement agency, if all of the following conditions are met:
 - a) The request is made in writing.
 - b) The request is accompanied by a notarized authorization by the applicant releasing the employer of liability.
 - c) The request and the authorization are presented to the employer by a sworn officer or other authorized representative of the employing law enforcement agency. (Gov. Code, § 1031.1, subd. (a).)

- 14) Defines employment information, as described above, to include written information in connection with job applications, performance evaluations, attendance records, disciplinary actions, eligibility for rehire, and other information relevant to the performance of a peace officer or other law enforcement agency applicant, except information prohibited from disclosure by any other state or federal law or regulation. (Gov. Code, § 1031.1, subd. (c).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "Beginning in 2025, Immigration and Customs Enforcement (ICE) officers have terrorized California residents, United States citizens and noncitizens alike, through untargeted arrests and brutality based on nothing more than a person's racial appearance, language spoken, their employment, or First Amendment-protected speech.

"The United States Department of Homeland Security has recruited peace officers to ICE with the promise of being unrestrained in the manner in which officers engage with civilians or by the laws of the State of California.

"In the past thirty-five years, state and local law enforcement agencies in California have made great strides in community relations, professionalism and accountability, but that trust is fragile. The public must be assured that California's law enforcement agencies are staffed by trained, professional and moral officers, and not infected by the culture of racism and brutality that currently defines ICE. Californians deserve public servants who respect the Constitution and the rule of law and our kids also deserve to be educated by role models, not individuals tied to fear and intimidation.

"AB 1627, the Misconduct Ends Law-enforcement Trust Act of 2026, would disqualify any person who has been employed by ICE from being employed as a peace officer or public-school teacher in California. AB 1627 makes it clear: masked agents who are willing to break the law, are unfit for positions of authority in California."

- 2) **Background: Increased Federal Immigration Enforcement Efforts.** President Trump has vowed to carry out the largest deportation program in U.S. history during his second term. The White House previously set a goal of 1 million annual deportations.¹ On January 20, 2025, the President issued an order titled "Protecting the American People Against Invasion." The order states that "[i]t is the policy of the United States to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people. Further, it is the policy of the United States to achieve the total and efficient enforcement of those laws, including through lawful incentives and detention capabilities."² Notable provisions of this order include: 1) directing

¹ Politico, *Trump got \$170 billion for immigration. Now he has to enact it* (July 5, 2025), available at: <https://www.politico.com/news/2025/07/05/trump-got-170-billion-for-immigration-now-he-has-to-enact-it-00439785>

² The White House, *Protecting the American People Against Invasion* (Jan. 20, 2025), available at: <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>

the Department of Homeland Security (DHS) to set enforcement priorities, emphasizing criminal histories; 2) establishing Homeland Security Task Forces in each state; 3) requiring all noncitizens to register with DHS, with civil and criminal penalties for failure to register; 4) directing DHS to collect all civil fines and penalties from undocumented individuals, such as for unlawful entry or attempted unlawful entry; 5) expanding the use of expedited removal; 6) building more detention facilities; 7) encouraging federal/state cooperation, as specified; 8) encouraging voluntary departure, as specified; 9) limiting access to humanitarian parole and Temporary Protected Status; 10) directing the U.S. AG and DHS to ensure that “sanctuary” jurisdictions do not receive access to federal funds; 11) reviewing federal grants to non-profits assisting undocumented persons and denying public benefits to undocumented persons; and 12) hiring more U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) officers.³

Immigration arrests have significantly increased since President Trump’s second term began.⁴ ICE removals in California were substantially similar to the numbers from the previous year in the first few months of Trump’s second term; however, beginning in the summer, removals significantly ramped up.⁵ Data indicates that ICE deported at least 8,250 people from California in the first nine months of 2025.⁶ From June 6 to June 22, 2025, federal immigration enforcement teams arrested 1,618 immigrants for deportation in Los Angeles and the surrounding Southern California regions.⁷ In response to the protests, President Trump deployed National Guard troops and Marines to L.A. over the objections of state officials.⁸ In September and October of 2025, federal immigration officers arrested more than twice as many people in the region of San Diego as they did in the entirety of 2024.⁹ Such aggressive immigration enforcement efforts have resulted in an uptick in immigration-enforcement related deaths, including the January 24, 2026, shooting of Alex Pretti by U.S. Customs and Border Protection (CBP) officers.¹⁰ Recent reporting found that it is the deadliest year for those in immigration detention in over two decades.¹¹ Since October 23rd, 2025, more people have died in ICE custody than in the entire prior fiscal year.¹² The rapid increase in immigration arrests has contributed to overcrowding, unsanitary conditions, and issues related to healthcare and food access in detention centers.¹³

³ *Ibid.*

⁴ Albert Sun, *Immigration Arrests Are Up Sharply in Every State. Here Are the Numbers*, New York Times (June 27, 2025), available at: <https://www.nytimes.com/interactive/2025/06/27/us/ice-arrests-trump.html>

⁵ Mathew Miranda, *ICE deportations in California surged in the thousands as 2025 went on*, Sacramento Bee (Jan. 12, 2026), available at: <https://www.sacbee.com/news/california/article314213552.html>

⁶ *Ibid.*

⁷ Andrea Castillo, *More than 1600 immigrants detained in Southern California this month, DHS says*, Los Angeles Times (June 25, 2025), available at: <https://www.latimes.com/politics/story/2025-06-25/more-than-1-600-immigrants-detained-in-southern-california-this-month-dhs-says>

⁸ Bill Hutchinson, *LA protests timeline: How ICE raids sparked demonstrations and Trump to send in the military*, ABC News (June 11, 2025), available at: <https://abcnews.go.com/US/timeline-ice-raids-sparked-la-protests-prompted-trump/story?id=122688437>.)

⁹ Fry and Uzcategui-Ligget, *Immigration Arrests surge by 1,500% in San Diego: ‘I feel the temperature rising’*, Cal Matters (Jan. 29, 2026), available at: <https://calmatters.org/justice/2026/01/san-diego-immigration-arrest-surge/>

¹⁰ David McSwane, *Two CBP Agents Identified in Alex Pretti Shooting*, ProPublica (Feb. 1, 2026), available at: <https://www.propublica.org/article/alex-pretti-shooting-cbp-agents-identified-jesus-ochoa-raymundo-gutierrez>

¹¹ Bustillo and Mukherjee, *Immigration detention on track for deadliest fiscal year since 2004*, NPR (March 10, 2026), available at: <https://www.npr.org/2026/03/10/g-s1-111238/immigration-detention-deaths-custody>

¹² *Ibid.*

¹³ *Ibid.*

The increase in federal immigration enforcement under the Trump Administration has also been associated with aggressive federal recruitment efforts, including efforts to recruit California peace officers to join federal immigration agencies.¹⁴ ICE has taken steps to significantly expand hiring, such as giving out \$50,000 signing bonuses, offering student loan forgiveness, lowering the age limit for recruits from 21 to 18, and waiving the 37-year-old hiring cap, among others.¹⁵ This has raised concerns that this may lead some California peace officers to leave their roles to pursue employment in federal immigration enforcement.

- 3) Peace Officer Qualifications:** To become a peace officer, a person must meet certain minimum standards: 1) they are legally authorized to work in the U.S. under federal law; 2) are at least 18 years of age; 3) are fingerprinted for purposes of searching local, state, and national fingerprint files to disclose a criminal record; 4) are of good moral character, as determined by a thorough background investigation; 5) are a high school graduate or other specified educational achievements; and 6) are free from any physical, emotional, or mental condition, including bias against race, ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of peace officer powers. (Gov. Code, § 1031, subds. (a)-(f).) For purposes of conducting thorough background investigations for peace officer applicants, employers are required to disclose employment information about an employee, upon request of an LEA, if the request is made in writing, is accompanied by a notarized authorization by an applicant releasing the employer of liability, and the request and authorization are presented to the employer by an authorized representative of the employing LEA. (Gov. Code, § 1031.1, subd. (a).) Employment information that must be disclosed includes written information in connection with job applications, performance evaluations, attendance records, disciplinary actions, eligibility for rehire, and other information relevant to the performance of a peace officer or other law enforcement agency applicant, except as specified. (Gov. Code, § 1031.1, subd. (c).)

In addition to these minimum standards, certain factors, such as a felony conviction and certain misconduct, disqualify a person from becoming a peace officer. More specifically, any of the following disqualifies a person from holding office or being employed as a peace officer: 1) a felony conviction or an offense in another jurisdiction which would be a felony if committed in this state; 2) military discharge for committing an offense which would be a felony if committed in this state; 3) conviction for a felony even if the court reduces the offense to a misdemeanor or the offense becomes a misdemeanor by operation of law; 4) a person charged with a felony who is adjudged to be mentally incompetent; 5) being found not guilty by reason of insanity for any felony; 7) adjudication as a mentally ordered sex offender; 8) adjudication as being addicted to narcotics and commitment to a state institution; 9) conviction of, or adjudication through an administrative, military, or civil judicial process requiring at least clean and convincing evidence that a person committed specified forgery, tampering, witness intimidation, and other offenses against public justice, as specified; 10) POST revocation of peace officer certification, as specified; 11) revocation of certification and being listed in the National Decertification Index for any person previously employed in law enforcement in any state or by the federal government or committing serious misconduct

¹⁴ 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>

¹⁵ Ray and Sanchez, *ICE expansion has outpaced accountability. What are the remedies?* Brookings (Jan. 26, 2026), available at: <https://www.brookings.edu/articles/ice-expansion-has-outpaced-accountability-what-are-the-remedies/>

that would have resulted in decertification by POST if employed as a peace officer in this state. (Gov. Code, § 1029, subd. (a) (1)-(11).)

There are certain exemptions to the above disqualification requirements. A guilty plea to a felony pursuant to a deferred entry of judgement program is insufficient, in and of itself, to disqualify a person from becoming a peace officer, unless a guilty plea is entered. (Gov. Code, § 1029, subd. (b)(1).) Further, a person who is found guilty of an alternate-felony misdemeanor or drug possession offense, and who completes a specified probation program, is not disqualified from becoming a peace officer if the court deems the offense to be a misdemeanor or reduces the offense to a misdemeanor. (Gov. Code, § 1029, subd. (b)(2).) Further, a person convicted of a specified felony who receives a full and unconditional pardon and demonstrates the ability to assist in programs of rehabilitation may be employed as a parole officer. (Gov. Code, § 1029, subd. (c).) A chief of police, sheriff, or mayor, among others, may also employ or deputize any person as a peace officer in specified times of disaster. (Gov. Code, § 1029, subd. (d).)

- 4) **Effect of this Bill:** This bill disqualifies any person previously employed by ICE at any time between September 1, 2025, and January 20, 2029, or by the Alabama Department of Corrections or the Georgia Department of Corrections at any time between January 1, 2020, and January 1, 2026, from holding office as a peace officer or being employed as a peace officer in California. This bill would create a new disqualifying category that is strictly tied to a person's employment history with certain entities during specified periods of time.

This disqualification requirement applies to “any person previously employed” by these entities, including an employee who did not engage in any misconduct or who did not serve in a law enforcement capacity. For example, this bill applies equally to an ICE agent who repeatedly utilizes excessive force during immigration arrests as to an ICE or Alabama, or Georgia correctional employee whose responsibilities are purely administrative and do not involve any law enforcement field work. The need to disqualify non-law enforcement employees solely because of their employer is unclear. The employer-dependent nature of this disqualification, irrespective of whether the person engaged in criminal behavior or misconduct, is largely inconsistent with the existing basis for peace officer disqualification, which generally requires a felony conviction, felony conduct, a disqualifying mental state, or specified misconduct. (Gov. Code, § 1029, subd. (a) (1)-(11).) To avoid application to individuals who have engaged in no wrongdoing, the author may wish to narrow the bill to law enforcement officers who engage in misconduct.

In terms of the scope of this bill, this bill identifies three agencies – ICE, Alabama Department of Corrections, and the Georgia Department of Corrections – as disqualifying employers. Setting aside the bill's application to specified correctional facilities, singling out ICE as a disqualifying employer raises constitutional concerns, as discussed more below. More practically, it may not encompass other types of federal agencies that engage in the type of immigration enforcement the author is concerned with. If the purpose of the bill is to disqualify individuals employed by federal agencies that engage in misconduct during certain periods of immigration enforcement, there are other component agencies within the Department of Homeland Security (DHS), such as U.S. Customs and Border Protection (CBP), that engage in immigration enforcement. For example, it was CBP officers who killed

Alex Pretti on January 24, 2026.¹⁶ This narrow application to ICE would disqualify any non-law enforcement ICE employee, but would not apply to CBP immigration enforcement officers.

The author may wish to remove this bill's application to the Alabama and Georgia correction departments. In support of including these out-of-state correctional departments, the author points to evidence of misconduct and abuse at these prisons, including overcrowding, violence, sexual abuse, and use of excessive force.¹⁷ In 2025, there was a documentary film titled "The Alabama Solution," which highlighted prison conditions and the reported cover-up of the 2019 death of an incarcerated person.¹⁸

Disqualifying a person based on their employment with an out-of-state corrections agency during a period of reported misconduct raises several issues. First, this is an overinclusive disqualification. As previously noted, just because a person was employed at one of these agencies does not mean they themselves engaged in misconduct. This could apply to a correctional employee actively looking to change jobs or who is leading efforts to improve the conditions of the correctional facilities. This bill would disqualify a person employed by an Alabama or Georgia correctional facility as a healthcare worker, mental health provider, or in an administrative capacity, who performed their duties as required and committed no misconduct, in the same way as a correctional officer who utilized excessive force or engaged in sexual abuse. Second, legislating in this manner is a slippery slope and is significantly underinclusive, given comparable prison conditions that have occurred in our own state and many other correctional facilities at various points in time. For example, in the early 2000s California's prisons experienced an extensive overcrowding crisis characterized by inadequate housing, inadequate medical and mental health care, which led the U.S. Supreme Court to find that the conditions in California prisons violated the Eighth Amendment's prohibition against cruel and unusual punishment.¹⁹ More recently, an Office of Inspector General audit highlighted a "'wave' of lawsuits from incarcerated and formerly incarcerated women who allege that they were sexually abused by prison staff."²⁰ An argument could be made that if being employed at a prison providing inadequate care and engaging in misconduct is disqualifying, the list of disqualifying agencies should be far lengthier than just Alabama and Georgia. To avoid disqualifying individuals who committed no misconduct at these agencies, and to avoid arbitrarily singling out certain out-of-state agencies for misconduct that is not unique to just those agencies, the author may wish to remove this bill's application to the Georgia and Alabama corrections departments.

The disqualifying time periods also raise concerns. This bill would only apply to a person employed by ICE between September 1, 2025, and January 20, 2029, and to a person

¹⁶ David McSwane, *Two CBP Agents Identified in Alex Pretti Shooting*, ProPublica (Feb. 1, 2026), available at: <https://www.propublica.org/article/alex-pretti-shooting-cbp-agents-identified-jesus-ochoa-raymundo-gutierrez>

¹⁷ Equal Justice Initiative, *Investigative Reporting Reveals Huge Costs of Alabama Prison Violence* (May 23, 2025), available at: <https://eji.org/news/investigative-reporting-reveals-huge-costs-of-alabama-prison-violence/>; See also U.S. Department of Justice Civil Rights Division, *Investigation of Georgia Prisons* (Oct. 1, 2024), available at: <https://www.justice.gov/crt/media/1371406/dl>

¹⁸ Yale Law School, *Documentary Shows Alabama Prison's Alleged Abuses from the Inside* (March 10, 2026), available at: <https://law.yale.edu/yls-today/news/documentary-shows-alabama-prisons-alleged-abuses-inside>

¹⁹ Legislative Analyst's Office, *Overview and Updated on the Prison Receivership* (Nov. 8, 2023), available at: <https://lao.ca.gov/Publications/Report/4813>

²⁰ Nigel Duara, *As California prisons face 'wave' of sex assault lawsuits, new audit highlights slow discipline* (Dec. 9, 2025), available at: <https://calmatters.org/justice/2025/12/prisons-sex-assault-inspector-general/>

employed by Alabama or Georgia correctional departments between January 1, 2020, and January 1, 2026. The need to establish such a specific and narrow disqualifying time period is unclear and may undermine the legality of this bill, as discussed more below. The intent of the September 1, 2026, to January 20, 2029, constraint for ICE appears to be specifically tailored to apply to ICE employees who were employed during President Trump's second term, although this disqualification period only commences approximately eight months into his second term. The disqualification period for Alabama and Georgia corrections departments - January 1, 2020, and January 1, 2026 - appears tailored to the time period during which many of the reported abuses occurred. Notably, both of these disqualifying time periods include time periods before the potential January 1, 2027, effective day of this bill.

Establishing a narrow disqualifying time constraint, irrespective of a given employee's conduct, may contribute to arbitrary and unjustified discrepancies in who may be disqualified under this bill. For example, this bill would not apply to an ICE officer who utilized excessive force, or engaged in racial profiling during President Trump's first term, or during the immigration raids in Los Angeles last June, but would disqualify an ICE employee hired in an administrative capacity three months later. This bill would disqualify a person employed with the Alabama or Georgia Corrections departments from January 1, 2020, to January 1, 2026, even if that employee engaged in no misconduct, but it would not disqualify a correctional officer who engaged in sexual abuse in April of 2026. The author may wish to remove these narrowly defined time periods and apply the bill prospectively.

If a person is disqualified based on the above prohibition, they may petition the State Personnel Board to restore their eligibility to serve as a peace officer. In deciding whether to restore the person's eligibility, the State Personnel Board must determine if the petitioner has demonstrated sufficient rehabilitation of moral character to ensure the safety and dignity of the public. The meaning of "sufficient rehabilitation of moral character" is somewhat unclear. Determining rehabilitation of moral character may be difficult if the person was not engaged in any law enforcement capacity at ICE or the correctional facilities specified by this bill, and there is no record of that person engaging in any misconduct. It is similarly unclear what level of rehabilitation is sufficient to "ensure the safety and dignity of the public." The author may wish to clarify and expand upon the meaning of these terms.

This bill additionally requires the CDCR to complete an investigation of previous employment at ICE, the Alabama Department of Corrections, or the Georgia Department of Corrections for any applicant for employment as a peace officer before the applicant may be employed or begin training as a peace officer. For background, every LEA must require a peace officer or prospective peace officer to undergo a fingerprint-based state and national criminal history background check. (Gov. Code, § 1030, subd. (a).) To become a peace officer, a person must be fingerprinted for purposes of searching local, state, and national fingerprint files to disclose a criminal record and be of good moral character, as determined by a thorough background investigation. (Gov. Code, § 1031, subds. (a)-(f).) For purposes of performing a thorough background investigation for peace officer applicants, employers must disclose employment information relating to a current or former employee, upon request of an LEA, under certain conditions, which include disciplinary actions and performance evaluations. (Gov. Code, § 1031.1.) Further, CDCR is already required to complete a background investigation of any peace officer application. (Gov. Code, § 1029.1.) This bill expands upon these existing requirements to require the CDCR, as part of its background

investigation into a peace officer applicant, to also investigate previous employment at any of the prohibited entities established by this bill.

This bill contains similar provisions that disqualify a person based on such prior employment from becoming a teacher, principal, superintendent, chancellor, or other administrator of a school district, community college, or higher education institution, as specified. Given that this bill is triple-referred to the Committee on Public Employment and Retirement and the Education Committee, this analysis will only discuss the provisions of the bill pertaining to public safety.

- 5) **Disqualification of Federal and Out-of-State Law Enforcement Officers.** Currently, a federal law enforcement officer or law enforcement officer of another state can already be disqualified from becoming a peace officer in California based on misconduct committed in their prior law enforcement positions. Specifically, existing law disqualifies “[a]ny person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or any other database designated by the federal government whose certification as a law enforcement officer in that jurisdiction was revoked for misconduct, or who, while employed as a law enforcement officer, engaged in serious misconduct that would have resulted in their certification being revoked by the commission if employed as a peace officer in this state.” (Gov. Code, § 1029, subd. (a) (11.)) Serious misconduct includes, among other things, dishonesty related to the reporting, investigation or prosecution of a crime, abuse of power, physical abuse, including excessive or unreasonable force, sexual assault, and demonstrating bias on the basis of race, national origin, gender identity or expression, housing status, sexual orientation, mental or physical disability, or any other protected status. (Pen. Code, § 13510.8, subd. (b).) Accordingly, a person previously employed in law enforcement by the federal government or another state, who engages in serious misconduct such as racial bias, can already be disqualified from becoming a peace officer in California. This provision applies far more broadly than this bill, in that it is not limited to any particular federal agency or a state correctional department, and is not limited to a particular period of time.

Given that there is already a pathway to disqualify persons previously employed in law enforcement in any state or by the federal government, the need for this bill is somewhat unclear.

- 6) **Constitutional Concerns:** This bill raises numerous legal issues. Most notably, this bill explicitly disqualifies a person from being employed as a peace officer in California based on prior employment with a specific federal agency; therefore, it 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.” (U.S. 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 p. 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 p. 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 p. 888.) “California has the right, pursuant to the anticommandeering rule, to refrain from assisting with federal efforts.” (*Id.* at p. 891.) The court concluded that SB 54 does not violate the United States’ intergovernmental immunity for similar reasons. (*Ibid.*)

Here, this bill disqualifies a person from being employed as a peace officer in California based on their prior employment with a single federal agency and two state corrections departments, which could lead to a lawsuit alleging that it discriminates against the federal government in violation of intergovernmental immunity. The targeted approach of this bill, and its creation of disqualification based on employment with a single federal agency, regardless of conduct, suggests this is intended to target the federal government. Confining the scope of the disqualification to the term of a particular U.S. President may additionally undermine the argument that this law is non-discriminatory and generally applicable. While this bill only pertains to eligibility to become a California peace officer and may not control or interfere with federal operations, under intergovernmental immunity, “any discriminatory burden on the federal government” is prohibited. (*United States v. California, supra*, 921 F.3d at p. 880) (emphasis in original). A claim that this restriction on the future employment prospects of ICE agents rises to the level of directly regulating the federal government or constitutes obstacle preemption is possible, albeit less likely, given that this bill is unlikely to directly impact current ICE operations.

This bill may additionally raise constitutional concerns relating to procedural due process. The disqualifying time periods by this bill apply to periods of employment before this bill may become effective. Specifically, it disqualifies a person from becoming a peace officer based upon prior employment with ICE between September 1, 2025, and January 20, 2029, or employment with the Alabama Department of Corrections or the Georgia Department of Corrections between January 1, 2020, and January 1, 2026. This may disqualify individuals currently serving as peace officers, without sufficient procedural due process.

For example, a correctional officer who was previously employed by the Alabama Corrections Department in January of 2021 but has since moved to California and secured employment as a peace officer could be subject to disqualification and possible termination of their employment contract. Procedural due process generally requires state actors to provide specific procedural protections before they deprive a person of any protected life, liberty, or property interest. (*Morrissey v. Brewer* (1972) 408 U.S. 471, 481.) The Due Process Clause of the Fourteenth Amendment protects a public employee's right to a property interest in employment. (*Bd. of Regents v. Roth* (1972) 408 U.S. 564, 576-577.) A statutory framework that gives individuals the status of permanent employee gives that employee a property interest in the continuation of their employment, which is protected by due process. (*Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, pp. 206-208.) In California, public employees generally have a property interest in continued employment, a property interest that cannot be deprived without due process. (*Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, 215-216; *Linney v. Turpen* (1996) 42 Cal.App.4th 763, 770; *Townsel v. San Diego Metropolitan Transit Development Bd.* (1998) 65 Cal.App.4th 940, 947; *Titus v. Civil Service Com.* (1982) 130 Cal.App.3d 357, 362.) Termination of employment is an action that can trigger due process requirements. (*Skelly v. State Personnel Board* (1975) 15 Cal. 3d 194.) To the extent this bill disqualifies and terminates the employment of currently employed California peace officers, based on their prior employment at a disqualifying entity, this bill may be vulnerable to a procedural due process claim.

Finally, singling out ICE and two state corrections departments as disqualifying employers, during a narrow time frame and regardless of the conduct of those employees, could make this bill vulnerable to an Equal Protection claim. The Equal Protection Clause of the Fourteenth Amendment provides that “[n]o state shall . . . deny to any person within its jurisdiction the equal protection of the laws. (U.S. Const., 14th Amend., § 1.) The California Constitution contains a substantially similar provision. (Cal. Const., art. I, § 7.) This establishes the general requirement that similarly situated people should be treated similarly. “[a] classification neither involving fundamental rights nor proceeding along suspect lines . . . cannot run afoul of the Equal Protection Clause if there is a rational relationship between the disparity of treatment and some legitimate governmental purpose.” (*Armour v. City of Indianapolis* (2012) 566 U.S. 673, 680.) This is known as the rational basis test, which is the lowest level of scrutiny that a law, subject to an equal protection challenge, must meet. Under rational basis, “[a] classification is constitutionally infirm only if ‘so unrelated to the achievement of any combination of legitimate purposes that we can only conclude that the legislature's actions were irrational.’” (*Conservatorship of Edde* (2009) 173 Cal.App.4th 883, 891.) The rationality of singling out three agencies as disqualifying employers during a narrow period of time, regardless of whether those employees were engaged as law enforcement officers or committed any wrongdoing, could be questioned in an equal protection claim by a disqualified peace officer applicant.

- 7) **Argument in Support:** According to the *California School Employees Association*, AB 1627 “would disqualify an individual from becoming a peace officer if they were employed by Immigration and Customs Enforcement (ICE) from 2025-2029.

“Since January 2025, ICE and border patrol activity has become increasingly aggressive, emboldened by President Trump and the Department of Homeland Security. They have been ordered to carry out military-style raids in cities across the U.S., at times using deadly force. ICE agents are now present in airports, at hospitals, schools, and other protected spaces.

“In an effort to quickly recruit thousands of agents and fulfill Trump’s mass deportation agenda, ICE agents are now required to complete just 47 days of training, significantly less than the required 3-6 months to become a police officer. Many agents are reportedly failing physical and academic tests. Their lack of comprehensive training, incomplete oversight, and wanton use of force should disqualify ICE agents from serving as peace officers in the future, especially on school campuses.

“The public should be able to rely on their peace officers to keep them safe, regardless of the language they speak or their immigration status. To preserve the public’s trust in police and school resource officers, the Legislature should prohibit ICE officers from serving as peace officers.”

- 8) **Argument in Opposition:** According to *the California Association of Highway Patrolmen*, AB 1627 “would disqualify individuals from being peace officers that were previously employed by U.S. Immigration and Customs Enforcement (ICE) during the Trump Administration, the Alabama Department of Corrections or the Georgia Department of Corrections between January 1, 2020, and January 1, 2026.

“AB 1627 creates a broad new disqualification standard that restricts who can serve as a peace officer based on prior employment, rather than individual conduct or qualifications. The bill undermines merit-based hiring and excludes otherwise qualified candidates with valuable federal law enforcement or investigative experience, at a time when recruitment and retention are already significant challenges for public safety agencies.

“Additionally, the bill politicizes law enforcement hiring and sets a concerning precedent by disqualifying individuals based on prior lawful employment with federal agencies. It also raises concerns about workforce shortages, interagency cooperation, and the erosion of a unified law enforcement framework, as it penalizes individuals for carrying out federally authorized duties.

“From CAHP’s perspective, maintaining a highly trained, diverse, and experienced applicant pool is critical to public safety. AB 1627 unnecessarily limits that pool while introducing legal and operational uncertainties for departments across the state.”

- 9) **Related Legislation:**

- a) AB 1896 (González and Rivas) would disqualify a person from being a peace officer, and from public employment more generally, if they were previously employed by an entity that engages in immigration enforcement, as defined, during the period beginning

January 20, 2025, and ending January 20, 2029, except as specified. AB 1896 is pending a hearing in this Committee.

- b) SB 938 (Menjivar) would disqualify a person from being a peace officer if they were previously employed by an entity that assists in immigration enforcement, as defined, after January 20, 2025, except as specified. SB 938 is pending a hearing in Senate Public Safety.

10) Prior Legislation:

- a) AB 17 (Cooper), of the 2021-2022 Legislative Session, would have disqualified a person from being a peace officer if the person has been discharged from the military for committing an offense that would have been a felony if committed in California or if the person has been certified as a peace officer and has had that certification revoked by the Commission on Peace Officer Standards and Training. AB 17 did not receive a hearing in this Committee.
- b) AB 60 (Salas), of the 2021-2022 Legislative Session, would have required a peace officer's certificate to be suspended, revoked, or canceled when the person is ineligible to be a peace officer or when the person has been subject to a sustained termination for serious misconduct, as defined, on or after January 1, 2022. AB 60 did not receive a hearing in this Committee.
- c) SB 2 (Bradford), Chapter 409, Statutes of 2021, granted new powers to POST to investigate and determine peace officer fitness and to decertify officers who engage in "serious misconduct" and made changes to the Bane Civil Rights Act to limit immunity as specified.
- d) AB 1022 (Holden), of the 2019-2020 Legislative Session, would have, among other things, disqualified a person from being a peace officer for, as a peace officer, using excessive force that results in great bodily injury or death, or for a peace officer's failure to intercede in another officer's excessive use of force, as specified. AB 1022 was held in the Senate Appropriations Committee.
- e) SB 731 (Bradford), of the 2019-2020 Legislative Session, would have, among other things, disqualified a person who has been convicted of certain crimes against public justice, including falsification of records, bribery, or perjury, from obtaining employment as a peace officer. AB 731 was never heard on the Assembly Floor.
- f) SB 221 (Romero), Chapter 297, Statutes of 2003, among other things, expands the grounds for disqualification of a person from being a peace officer for the conviction of a felony to include any person who, after January 1, 2004, who has been convicted of a crime based upon a verdict or finding of guilt of a felony by the trier of fact, or upon the entry of a plea of guilty or nolo contendere to a felony.
- g) AB 882 (Cedillo), of the 2001-2002 Legislative Session, would have required the disqualification of a peace officer after the commission of specified crimes. AB 882 failed passage in the Senate Public Safety Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Public Defenders Association
California School Employees Association
United Domestic Workers/afscme Local 3930

Opposition

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 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
Newport Beach; City of
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside County Sheriff's Office
Riverside Police Officers Association
Riverside Sheriffs' Association
Upland; City of

Analysis Prepared by: Ilan Zur / PUB. S. / (916) 319-3744