
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

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Author: Ávila Farías
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Consultant: AB

Subject: *Public employment: disqualifications*

HISTORY

Source: Author

Prior Legislation: AB 992 (Irwin), Ch. 175, Stats. of 2025
AB 2229 (L. Rivas), Ch. 959, Stats. of 2022
SB 2 (Bradford), Ch. 409, Stats. of 2021
AB 17 (Cooper), not heard in Assembly Public Safety, 2021
AB 846 (Burke), Ch. 322, Stats. of 2020
SB 731 (Bradford), not heard on Assembly Floor, 2019
AB 1022 (Holden), held in Senate Appropriations Committee, 2019
SB 221 (Romero), Ch. 297, Stats. of 2003

Support: California Public Defenders Association

Opposition: None known

Assembly Floor Vote: 54 - 17

PURPOSE

The purpose of this bill is to specify that existing laws disqualifying a person from being a peace officer if they were previously employed as a law enforcement officer and had their certification revoked, or engaged in serious misconduct that would have resulted in decertification in California, include a law enforcement officer employed by the federal government who engages in immigration enforcement, as specified.

Existing law 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. (Pen. Code, §§ 830-832.10; 13500 et seq.)

Existing law requires every peace officer in California to satisfactorily complete an introductory training course prescribed by POST, as specified. (Pen. Code, § 832, subd. (a).)

Existing law 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).)

Existing law, the California Values Act, generally prohibits California law enforcement agencies from using agency moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, from placing officers under the supervision of federal agencies for the purpose of immigration enforcement, and from cooperating in other specified ways with federal immigration authorities. (Gov. Code, § 7284.6, subd. (a).)

Existing law provides that notwithstanding the above limitations, and in accordance with local laws and agency policies, California law enforcement agencies are not prohibited from conducting enforcement or investigative duties associated with a joint law enforcement task force, including the sharing of confidential information with other law enforcement agencies for purposes of task force investigations, so long as the following conditions are met:

- The primary purpose of the joint law enforcement task force is not immigration enforcement, as defined.
- The enforcement or investigative duties are primarily related to a violation of state or federal law unrelated to immigration enforcement.
- Participation in the task force by a California law enforcement agency does not violate any local law or policy to which it is otherwise subject. (Gov. Code, § 7284.6, subd. (b).)

Existing law authorizes POST to suspend or revoke the certification of a peace officer if the person has been terminated for cause from employment as a peace officer for, or has, while employed as a peace officer, otherwise engaged in, any serious misconduct, as described. (Pen. Code, § 13510.8, subd. (a)(2).)

Existing law requires POST to adopt by regulation a definition of “serious misconduct” that shall serve as the criteria for consideration for ineligibility for, or revocation of, certification of a peace officer. The definition shall include all of the following:

- Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct.
- Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest.
- Physical abuse, including, but not limited to, the excessive or unreasonable use of force.
- Sexual assault.
- Demonstrating bias on the basis of race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer’s obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee’s rights under the First Amendment to the United States Constitution.

- Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by POST.
- Participation in a law enforcement gang.
- Failure to cooperate with an investigation into potential police misconduct.
- Failure to intercede when present and observing another officer using force that is clearly beyond what is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject. (Pen. Code, § 13510.8, subd. (b).)

Existing law requires a law enforcement agency to conduct a background check on a peace officer or prospective officer, as provided. (Gov. Code, § 1030.)

Existing law provides that each class of public officers or employees declared by law to be peace officers shall meet specified minimum standards, including that:

- They be legally authorized to work in the United States under federal law.
- Be 18 years of age or older.
- Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose a criminal record.
- Be of good moral character, as determined by a thorough background investigation.
- Be a high school graduate, pass the General Education Development Test or other high school equivalency test, or have attained a two-year, four-year, or advanced degree from an accredited college or university, as specified.
- Be found to be free of any physical, emotional, or mental condition including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of the powers of a peace officer. (Gov. Code, § 1031.)

Existing law commencing January 1, 2031 requires all peace officers, except as specified, to attain one or more specified degrees or certificates no later than 36 months after receiving their basic certificate by the commission, including an associates degree, a bachelor's degree, a modern policing degree or a professional policing certificate. (Gov. Code, § 1031.5.)

Existing law provides that each of the following persons is disqualified from being a peace officer in California:

- Any person who has been convicted of a felony.
- Any person who has been convicted of any offense in any other jurisdiction which would have been a felony if committed in this state.
- Any person who has been discharged from the military for committing an offense, as adjudicated by a military tribunal, which would have been a felony if committed in this state.
- Any person 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.
- Any person who has been charged with a felony and adjudged by a superior court to be mentally incompetent
- Any person who has been found not guilty by reason of insanity of any felony.

- Any person who has been determined to be a mentally disordered sex offender.
- Any person adjudged addicted or in danger of becoming addicted to narcotics, convicted, and committed to a state institution.
- Any person convicted or adjudicated to have committed a crime involving moral turpitude, as specified.
- Any person that has been issued a peace officer certificate by POST and had that certification revoked or an application for certification denied.
- 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)

This bill specifies that, for the purposes of the disqualification provision above regarding individuals previously employed in law enforcement in another state, territory or by the federal government, the terms “employed in law enforcement” and “law enforcement officer” include a law enforcement officer employed in any state or United States territory or by the federal government who engages in immigration enforcement.

This bill defines “immigration enforcement” as any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States.

COMMENTS

1. Need for This Bill

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, spoken language, 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. AB 1627, the Misconduct Ends Law-Enforcement Trust Act of 2026 (MELT ICE Act), would disqualify federal immigration personnel from becoming a peace officer in California if they have committed misconduct in their prior role.

2. Background on Recent Immigration Enforcement Operations

During his second campaign for president in 2023-2024, Donald Trump vowed that if re-elected, he would carry out the largest deportation program in American history. Reporting by the New York Times called Trump's second term plans "an extreme expansion of his first-term crackdown on immigration [...] including preparing to round up undocumented people already in the United States on a vast scale and detain them in sprawling camps while they wait to be expelled."¹ Throughout the campaign, Trump regularly asserted that he would deport between 15 and 20 million people, far beyond the estimated number of undocumented immigrants, and constituting an action that would cost taxpayers roughly \$1 trillion over 10 years.²

On the day of his second inauguration, President Trump issued more than a dozen executive actions aimed at realizing his ambitious mass detention and deportation agenda. Among them was a proclamation titled "Guaranteeing the States Protection Against Invasion," in which he cited the flow of migrants across the southern border of the United States as a justification for invoking constitutional authority to protect each of the states against invasion, and thereby expanded the authority and discretion of the Department of Defense and the Department of Homeland Security to carry out immigration-related functions.³ He also signed Executive Order 14159 with the familiar sounding title "Protecting the American People Against Invasion," which provides 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."⁴ Notable provisions of EO 14159 include: 1) directing 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.⁵

¹ "Sweeping Raids, Giant Camps and Mass Deportations: Inside Trump's 2025 Immigration Plans." *New York Times*. 11 November 2023. <https://www.nytimes.com/2023/11/11/us/politics/trump-2025-immigration-agenda.html>

² "A Donald Trump mass deportation of immigrants would cost hundreds of billions, report says." *Sacramento Bee*. 2 October 2024. <https://www.sacbee.com/news/politics-government/capitol-alert/article293359389.html>

³ Proclamation 10888. 20 January 2025. 90 Fed. Register 8333-8336; U.S. Const. Art. IV, Section 4.

⁴ Executive Order 14159. 20 January 2025. 90 Fed. Register 8443. <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>

⁵ *Ibid.*

On January 25, 2025, ICE field offices were told that each office must detain at least 75 noncitizens every day, or more than 1,800 per day nationwide.⁶ To hold more detainees, the Trump Administration opened Guantanamo Bay and sent detained individuals there in February, and has also started sending detained individuals to a mega-prison in El Salvador, in many cases before their due process rights can be vindicated.⁷ On July 4, 2025, President Trump signed the One Big Beautiful (OBB) Act, a gargantuan domestic policy bill that, among other provisions, allocates more than \$170 billion for immigration enforcement through 2029. The OBB Act increases the annual budget of Immigration and Customs Enforcement (ICE) from \$8.7 billion to approximately \$27.7 billion, with \$75 billion appropriated to the agency over the next four years. With this unprecedented budget increase, ICE is slated to have a higher annual budget than the militaries of Italy, Brazil, Israel, and nearly 20 other countries in the top 40 of military spenders.⁸ This funding will go almost exclusively toward immigration enforcement, detention and deportation operations.⁹ On June 10, 2026, President Trump signed a bill authorizing another \$70 billion in funding for immigration enforcement.¹⁰

The Trump Administration's ramp-up of immigration enforcement has been accompanied by aggressive recruitment efforts, including attempts by federal immigration agencies to lure state peace officers.¹¹ 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.¹² But amid this hiring surge, evidence has surfaced that ICE had misrepresented the rigor of its training for new officers, including legal training over whether they are permitted to use deadly force. According to a recent whistleblower account, training for new officers has been pared down to the point where it is "deficient, defective and broken."¹³ Moreover, a recent review by the Associated Press found that at least two dozen ICE employees and contractors have been charged with crimes since 2020, including 9 such instances in 2025 alone.¹⁴ According to the report, while most cases happened before the passage of the OBB Act, "experts say such crimes could accelerate given

⁶ Washington Post, *Trump Officials Issue Quotas to ICE Officers to Ramp up Arrests*, January 26, 2025, <https://www.washingtonpost.com/immigration/2025/01/26/ice-arrests-raids-trump-quota>

⁷ M. Lee, AP News, *Immigration Officials Defend Authority to Hold Migrants at Guantanamo Bay*, March 10, 2025, <https://apnews.com/article/us-immigration-detention-guantanamo-bay-d4fe8f0d051e0cd7e3f04ce02c8e7564>; M.

Aleman, AP News, *Venezuelan Migrants Deported by the US Ended up in a Salvadoran Prison. This is Their Legal Status*, March 25, 2025, <https://apnews.com/article/el-salvador-trump-tren-de-aragua-venezuela-dde4259e5dcd502101b7b8fbd3c03659>

⁸ "ICE Budget Now Bigger Than Most of the World's Militaries." *Newsweek*. 2 July 2025.

<https://www.newsweek.com/immigration-ice-bill-trump-2093456>

⁹ "Explainer: One Big Beautiful Bill Act: Immigration Provisions." *Immigration Forum*. 7 July 2025.

<https://forumtogether.org/article/one-big-beautiful-bill-act-immigration-provisions/>

¹⁰ "Trump signs bill giving nearly \$70B to his immigration enforcement agenda through end of his term." 10 June 2026. *Associated Press*. <https://apnews.com/article/trump-immigration-enforcement-dhs-ice-deportation-9eef2e24fede3e4d593be462cbcf31f2>

¹¹ "ICE offers big bucks – but California police officers prove tough to poach." *Los Angeles Times* 22 September 2025, available at: <https://www.latimes.com/california/story/2025-09-22/ice-poaching-cops>

¹² Ray and Sanchez, "ICE expansion has outpaced accountability. What are the remedies?" *Brookings* 26 January 2026. Available at: <https://www.brookings.edu/articles/ice-expansion-has-outpaced-accountability-what-are-the-remedies/>

¹³ "ICE whistleblower accuses agency of 'deficient, defective and broken' training amid hiring surge." *The Hill*. 23 February 2026. <https://thehill.com/homenews/administration/5751455-ice-officer-training-whistleblower/>

¹⁴ "Takeaways from AP's review of recent criminal cases against ICE employees and contractors." *Associated Press*. 10 February 2026. <https://apnews.com/article/ice-agents-arrested-misconduct-abuse-corruption-charged-d3aeb8c20191fa357f87078fc169cc17>

the volume of new employees and their empowerment to use aggressive tactics to deport people.”¹⁵

3. Existing Peace Officer Prerequisites and Effect of This Bill

Becoming a peace officer in California is a relatively rigorous process, requiring candidates to meet a range of minimum standards. Under existing law, prospective peace officers must be legally authorized to work in the United States under federal law, be 18 years of age or older, pass a background check, and be of good moral character, as determined by a thorough background investigation.¹⁶ Additionally, prospective peace officers must be found to be free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of the powers of a peace officer, as evaluated by a licensed physician for the physical fitness aspect and a specified psychiatric specialist or psychologist for the mental and emotional aspects.¹⁷ Regarding educational requirements, while existing law requires peace officer candidates to have at least a high school diploma, recent legislation (AB 992 (Irwin), Chapter 175, Statutes of 2025) requires most classes of peace officers, commencing January 1, 2031, to obtain either an associate’s degree, a bachelor’s degree, a newly-created “modern policing degree,” or a “professional policing certificate” within 36 months of receiving their basic certificate from POST.¹⁸

A newer feature of California’s process for vetting prospective and current peace officers is POST’s mandatory certification process, created by SB 2 (Bradford, Ch. 409, Stats. of 2021.) Under SB 2, POST administers an extensive certification program for peace officers, who must receive a proof of eligibility and a basic certificate in order to serve in that capacity.¹⁹ Additionally, SB 2 provides a mechanism by which POST may investigate and review allegations of “serious misconduct” against an officer, where “serious misconduct” is defined to include a host of behaviors unbecoming a peace officer, such as dishonesty, abuse of power, criminal behaviors, demonstration of bias, participation in a law enforcement gang, and others.²⁰ After a lengthy review and investigation process, POST has the discretion to issue a certificate to a prospective officer, or to suspend or revoke an existing officer’s certification. Additionally, law enforcement agencies are required to report a range of personnel actions to POST for their review, including the hiring of any officer.²¹

In addition to the minimum standards and required certification described above, certain factors disqualify a person from becoming a peace officer, including a host of outcomes related to the commission of a felony crime, including a felony conviction or the commission of an offense in another jurisdiction which would be a felony if committed in this state; military discharge for an offense which would be a felony if committed in this state; and conviction for a felony even if the court reduces the offense to a misdemeanor or the offense becomes a misdemeanor by operation of law.²² Also disqualified are individuals who were charged with a felony but found

¹⁵ *Ibid.*

¹⁶ Gov. Code, §§ 1030, 1031, subds. (a)-(d).

¹⁷ Gov. Code, § 1031, subd. (f).

¹⁸ Gov. Code, § 1031.5; These new educational standards require prospective peace officers to complete at least 16 semester units or 24 quarter units of education beyond the current requirement of a high school diploma.

¹⁹ Pen. Code § 13510.1; for more information on certification, see <https://post.ca.gov/Certification>

²⁰ The full list is codified at Pen. Code, § 13510.8, subd. (b)(1)-(9).

²¹ Pen. Code, §§ 13510.1, 13510.7, 13510.8, 13510.85, 13510.9.

²² Gov. Code, § 1029, subd. (a)(1)-(4).

mentally incompetent to stand trial or not guilty by reason of insanity, individuals adjudged to be mentally disordered sex offenders, individuals adjudged to be addicted or in danger of becoming addicted to narcotics, and individual convicted of, or adjudicated through specified administrative, military or civil judicial processes as having committed certain crimes involving moral turpitude and other crimes against public justice.²³

Finally, and perhaps most relevant to this bill, existing law disqualifies any person who 1) has received a POST certification and either surrendered the certification or had it revoked, 2) has met the minimum requirements for the issuance of a certification but nonetheless was denied certification by POST, and 3) any person previously employed in law enforcement in any state or by the federal government, whose name is listed in the National Decertification Index 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 decertification by POST if employed as a peace officer in this state.²⁴ This bill specifies, for the purposes of this latter provision, that “employed in law enforcement” and “law enforcement officer” include a law enforcement officer employed in any state or United States territory or by the federal government who engages in immigration enforcement, where “immigration enforcement” is defined as any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States.

4. Constitutional Considerations

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.”²⁵ The doctrine of intergovernmental immunity is derived from the Supremacy Clause of the Constitution, and demands that “the activities of the Federal Government are free from regulation by any state.”²⁶ 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.”²⁷ Whether a state law “directly regulates” the federal government demands a functional inquiry into whether the regulations at issue “interfere with or control the operations of the federal government.”²⁸ Moreover, “a state or local law discriminates against the federal government if it treats a state entity more favorably than it treats a comparable federal entity.”²⁹ However, it is well settled that generally applicable state laws can apply to federal entities.³⁰ It should be noted that “the scope of a federal contractor’s protection from state law under the Supremacy Clause is substantially narrower than that of a federal employee or other federal instrumentality.”³¹

²³ Gov. Code, § 1029, subd. (a)(5)-(9).

²⁴ Gov. Code, § 1029, subd. (a)(10)-(11).

²⁵ U.S. Const., art. VI, Cl 2.

²⁶ *United States v. California* (9th Cir. 2019) 921 F.3d 865, 879.

²⁷ *N.D. v. United States* (1990) 495 U.S. 423, 435; *Boeing Co. v. Movassaghi* (9th Cir. 2014) 768 F.3d 832, 839

²⁸ *United States v. Washington*, (2022) 596 U.S. 832, 838

²⁹ *Boeing, supra*, 768 F.3d at p. 842, quoting *United States v. City of Arcata* (9th Cir. 2010) 629 F.3d 986, 991.

³⁰ See *United States ex rel. Drury v. Lewis*, 200 U.S. 1, 7-8 (1906); *Johnson v. Maryland*, 254 U.S. 51, 56 (1920).

³¹ *Geo Grp., Inc. v. Newsom* (2022) 50 F.4th 745, 755.

Although this bill is less likely to be vulnerable to a Supremacy Clause challenge than other bills attempting to address federal overreach (as will be discussed in greater detail below), it is worth highlighting the Ninth Circuit Court of Appeals' recent ruling with regard to Senate Bill 805 (Perez), Chapter 126, Statutes of 2025, which among other changes, required local, state, out-of-state, and federal law enforcement agencies operating in California to adopt policies on the visible identification of sworn personnel, and required officers from such agencies to visibly display identification when performing their enforcement duties.³² That ruling was based on an appeal of an earlier ruling handed down by the United States District Court for the Central District of California in the case of *United States v. California*, which enjoined enforcement of a related bill, Senate Bill 627 (Wiener), Chapter 125, Statutes of 2025, because it unlawfully discriminated against the federal government in violation of the intergovernmental immunity doctrine.³³ However, the district court also found that the United States was unlikely to succeed on its claim that the two bills unlawfully directly regulated the federal government, and the United States therefore appealed the ruling to the Ninth Circuit, seeking to enjoin SB 805's requirements on federal law enforcement.³⁴

On April 22, 2026, the Ninth Circuit granted the federal government's injunction, finding that the United States was likely to succeed on its claim that SB 805's requirement that federal officers visibly display identification when performing their duties was an unlawful direct regulation of the federal government in violation of the intergovernmental immunity doctrine.³⁵ While this ruling pertains to a law that is not entirely analogous to the instant bill, the Ninth Circuit's discussion of what constitutes a direct regulation under intergovernmental immunity is instructive. Specifically, the Ninth Circuit rejected the district court's reasoning that direct regulation of the federal government demands a functional inquiry into whether the regulation interferes with or controls the operation of the federal government, stating that this particular standard pertains to the regulation of federal contractors and third-party employers, but is not the standard that governs direct regulation of United States governmental activities.³⁶ Instead, the Ninth Circuit articulated a far more stringent standard for what constitutes a direct regulation under intergovernmental immunity, stating that intergovernmental immunity "forbids States from regulating the federal government *qua* government and from controlling federal governmental functions in any manner and to any degree." (*Id.* at pp. 13-14) As the panel reasoned:

A direct regulation is one that "lays hold of" federal officers "in their specific attempt to obey orders and requires qualifications in addition to those that the [federal] Government has pronounced sufficient." It imposes conditions upon "a function of government," and regulates "the right to carry on the business" of the federal government. [...] [I]f a state law directly regulates the conduct of the United States, it is void irrespective of whether the regulated activities are essential to federal functions or operations, and irrespective of the degree to which the state law interferes with federal functions or operations.³⁷

³² Gov. Code, § 7288, subs. (a) & (c)(2); Pen. Code, § 13654, subs. (a) & (d)(2)

³³ *United States v. California* (C.D.Cal. 2026) 819 F.Supp. 3d 1109; SB 805 (Pérez), which was substantially similar to SB 627 in its application to the federal government but did not contain such an exemption for state law enforcement officers, was not challenged by the Trump Administration as unlawful discrimination against the federal government, see p. 35, fn. 9.

³⁴ *United States v. California*, *supra*, 819 F.Supp.3d at p. 35; *United States v. California* (9th Cir. 2026) 173 F.4th 1060, 7-8, fn. 4.

³⁵ *Id.* at pp. 3, 16

³⁶ *Id.* at pp. 11-12

³⁷ *Id.* at pp. 10, 12

In the instant case, the bill is distinct from SB 805 and SB 627 in that it does not impose affirmative requirements on federal law enforcement officers (effectively telling them how to do their job), but rather clarifies, in a way that appears to be declaratory of existing law, how peace officer disqualification provisions internal to state processes should be applied. Moreover, because the bill applies the same misconduct-related disqualification standards to former ICE agents as it would to out-of-state applicants or applicants of a different federal agency, it does not appear to discriminate against the federal government.

5. Related Legislation

This bill is one of four measures introduced this year aimed at restricting the employment of individuals previously employed by federal immigration authorities or engaged in federal immigration enforcement, three of which, including this one, are still active. SB 1332 (Gonzalez) disqualifies any person employed by ICE between January 20, 2025 and January 20, 2029 from state employment, but was not heard in Senate Labor, Public Employment, and Retirement Committee. AB 1896 (Mark Gonzalez, Rivas) disqualifies anyone who has engaged in immigration enforcement activity between January 20, 2025 and January 20, 2029 from being employed as a state, county, or local public agency employee, including as a peace officer. AB 1896 will be heard in this Committee on the same day as this bill. SB 938 (Menjivar) is most similar to this bill and provides that a person is disqualified from employment as a California peace officer if they, on or after January 20, 2025, were employed as a sworn law enforcement officer by a federal agency engaged in immigration enforcement and personally assisted with immigration enforcement, but may be eligible after a 10-year cooling off period. SB 938 is currently awaiting hearing in Assembly Public Safety Committee.

6. Argument in Support

According to the California Public Defenders Association:

AB 1627 clarifies the definitions of law enforcement to ensure that it encompasses officers who engage in immigration enforcement in the Government Code section that lists disqualifications to law enforcement employment due to misconduct. This definitional clarification is important to ensure that individuals engaging in immigration enforcement who committed misconduct do not become employed by any California law enforcement agency.

Many California public defender offices have immigration attorneys and experts, and line deputy public defenders also consult frequently with immigration attorneys and organizations as part of our holistic defense of our clients. In these capacities, we have frequently witnessed the pervasive abuse, disregard for the rule of law, and systemic dehumanization that have characterized the practices of ICE and Border Patrol in recent years. These agencies have operated with impunity—violating due process, engaging in racial profiling, and weaponizing fear against some of our state’s most vulnerable residents. Communities across California continue to bear the scars of these unconstitutional tactics.

This bill makes a modest and commonsense fix that ensures that ensures that immigration enforcement officers are included in the definition of law enforcement governed by this provision of the Government Code.