

THIRD READING

Bill No: AB 1806
Author: Gabriel (D) and Carrillo (D), et al.
Amended: 8/18/26 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: 59-20, 5/27/26 - See last page for vote

SUBJECT: Department of Justice

SOURCE: Author

DIGEST: This bill requires a state prosecutor to investigate and potentially prosecute incidents of an immigration enforcement officer-involved shooting resulting in the death of an unarmed civilian, as specified.

Senate Floor Amendments of 8/18/26 strike references to “federal” officers, specify that investigations shall occur only if the civilian is unarmed, and requires the state prosecutor to document if it is prevented from accessing specified materials.

ANALYSIS:

Existing federal law:

- 1) Provides that a civil or criminal prosecution that is commenced in a state court and that is against or directed to any of the following, among others, may be removed by them to the district court of the United States under specified circumstances. (28 United States Code (U.S.C.) § 1442, subd. (a)(1).)

- 2) Provides that for the purposes of removal pursuant to the above, a law enforcement officer who is the defendant in a criminal prosecution, shall be deemed to have been acting under the color of his office if the officer engaged in specified conduct. (28 U.S.C. § 1442, subd. (c).)

Existing state law:

- 1) Specifies that, subject to the powers and duties of the Governor, the Attorney General (AG) shall be the chief law officer of the State. (California Constitution (Cal. Const.), art. 5, § 13.)
- 2) States that it shall be the duty of the AG to see that the laws of the State are uniformly and adequately enforced. (Cal. Const., art. 5, § 13.)
- 3) Provides that the AG shall have direct supervision over every district attorney and sheriff and over such other law enforcement officers as may be designated by law, in all matters pertaining to the duties of their respective offices, and may require any of said officers to make reports concerning the investigation, detection, prosecution, and punishment of crime in their perspective jurisdictions as to the AG may seem advisable. (Cal. Const., art. 5, § 13.)
- 4) Specifies, whenever in the opinion of the AG any law of the State is not being adequately enforced in any county, it shall be the duty of the AG to prosecute any violations of law of which the superior court shall have jurisdiction, and in such cases the AG shall have all the powers of a district attorney. (Cal. Const., art. 5, § 13.)
- 5) Provides that United States Immigration and Customs Enforcement (ICE) officers and United States Customs and Border Protection (CBP) officers are not California peace officers. (Penal (Pen.) Code, § 830.85)
- 6) Specifies that when the AG deems it advisable or necessary in the public interest, or when directed to do so by the Governor, the AG shall assist any district attorney in the discharge of the district attorney's duties, and may, if deemed necessary, take full charge of any investigation or prosecution of violations of law of which the superior court has jurisdiction, and that in this respect the AG has all the powers of a district attorney, including the power to issue or cause to be issued subpoenas or other process. (Government (Gov.) Code, § 12550.)
- 7) Provides that the AG has direct supervision over the sheriffs of the several counties of the state, and may require of them written reports concerning the investigation, detection, and punishment of crime in their respective

jurisdictions, and provides, whenever the AG deems it necessary in the public interest the AG shall direct the activities of any sheriff relative to the investigation or detection of crime within the jurisdiction of the sheriff, and may direct the service of subpoenas, warrants of arrest, or other processes of court in connection therewith. (Gov. Code, § 12560.)

- 8) Requires a state prosecutor to investigate incidents of an officer-involved shooting resulting in the death of an unarmed civilian and specifies that the AG is the state prosecutor unless otherwise specified or named. (Gov. Code, § 12525.3, subd. (b)(1).)
- 9) Existing law authorizes the state prosecutor to do all of the following:
 - a) Investigate and gather facts in an incident involving a shooting by a peace officer that results in the death of a civilian if the civilian was unarmed or if there is a reasonable dispute as to whether the civilian was armed.
 - b) For all investigations conducted, prepare and submit a written report, which shall include, at a minimum, a statement of the facts, a detailed analysis and conclusion for each investigatory issue, and recommendations to modify the policies and practices of the law enforcement agency, as applicable.
 - c) If criminal charges against the involved officer are found to be warranted, initiate and prosecute a criminal action against the officer. (Gov. Code, § 12525.3, subd. (b)(2).)
- 10) Requires the state prosecutor to post and maintain on a public internet website each written report prepared by the state prosecutor, as specified, appropriately redacting any information in the report that is required by law to be kept confidential. (Gov. Code, § 12525.3, subd. (b)(3).)
- 11) Requires the AG to operate a Police Practices Division within the Department of Justice (DOJ) to, upon request of a local law enforcement agency, review the use of deadly force policies of that law enforcement agency. (Gov. Code, § 12525.3, subd. (c)(1).)
- 12) Requires the Police Practices Division to make specific and customized recommendations to any law enforcement agency that requests a review, based on those policies identified as recommended best practices. (Gov. Code, § 12525.3, subd. (c)(2).)

- 13) Requires each law enforcement agency to monthly furnish to the DOJ, in a manner defined and prescribed by the AG, a report of all instances when a peace officer employed by that agency is involved in any of the following:
 - a) An incident involving the shooting of a civilian by a peace officer.
 - b) An incident involving the shooting of a peace officer by a civilian.
 - c) An incident in which the use of force by a peace officer against a civilian results in serious bodily injury or death.
 - d) An incident in which the use of force by a civilian against a peace officer results in serious bodily injury or death. (Gov. Code, § 12525.2, subd. (a).)
- 14) Requires, for each incident described above, the information reported to the DOJ to include specified information including the gender, race, and age of each individual who was shot, injured, or killed, the date, time, and location of the incident, the type of force used against the officer, the civilian, or both, the reason for using force, the injuries sustained, and if any medical aid was rendered, among other categories of information. (Gov. Code, § 12525.2, subd. (b).)

This bill:

- 1) Requires a state prosecutor to conduct an independent, transparent, and thorough investigation into incidents of an immigration enforcement officer-involved shooting resulting in the death of an unarmed civilian.
- 2) Specifies that the Attorney General is the state prosecutor unless otherwise specified or named.
- 3) Requires the state prosecutor, consistent with similar existing law regarding other officer involved shooting investigations, to do all of the following:
 - a) Investigate and gather facts in an incident involving a shooting resulting in the death of an unarmed civilian by an immigration enforcement officer.
 - b) For all investigations conducted, prepare and submit a written report. The written report shall include, at a minimum, both a statement of facts and a detailed analysis and conclusion for each investigatory issue.
- 4) Provides that if criminal charges against the involved officer are found to be warranted, the state prosecutor shall initiate and prosecute a criminal action against the officer.

- 5) Provides that if the state prosecutor is prevented from accessing witnesses, documents, or evidence, such that an independent, transparent, and thorough investigation is not possible, the state prosecutor shall document those facts.
- 6) Requires the state prosecutor to post and maintain on a public internet website each written report prepared by the state prosecutor pursuant to this bill, appropriately redacting any information in the report that is required by law to be kept confidential.
- 7) Specifies that it does not limit the Attorney General's authority under the California Constitution or any applicable state law.

Comments

After the murder of George Floyd sparked nationwide protests against police brutality, the Legislature passed AB 1506 (McCarty Chapter 326, Statutes of 2020), which required the AG operate a Police Practices Division to review a local law enforcement agency's use of deadly force policy upon request, and to investigate incidents of an officer involved shooting (OIS) resulting in the death of an unarmed civilian. Pursuant to AB 1506, the AG is authorized to investigate and gather facts in an incident involving a shooting by a peace officer that results in the death of a civilian if the civilian was unarmed or if there is a reasonable dispute as to whether the civilian was armed, and to submit a written report, which must include specified information. Moreover, AB 1506 authorizes the AG to initiate and prosecute a criminal action against the officer, if criminal charges are found to be warranted. As of June 11, 2026, the Attorney General has issued 41 reports pursuant to AB 1506.

This bill adapts the statutory language enacted by AB 1506 into a separate statute that applies to incidents of an immigration enforcement OIS resulting in the death of an unarmed civilian. Specifically, under this bill, the AG is required to investigate and gather facts in an incident involving a shooting resulting in the death of an unarmed civilian by an immigration enforcement officer and prepare and submit a written report. The report, like the one issued under AB 1506, must include a statement of facts and a detailed analysis and conclusion for each investigatory issue. This bill also authorizes the AG to initiate and prosecute a criminal action against the officer if criminal charges are found to be warranted. In addition, the AG must post on its website each written report prepared pursuant to the above provisions.

According to materials submitted by the author, this bill is at least in part motivated by recent civilian shootings by federal immigration officers in California, most notably the killing of Keith Porter Jr. by an off-duty immigration agent in Northridge on December 31, 2025, and the shooting of Carlos Hernandez in Patterson on April 7, 2026. While the AG has not launched an independent probe into either of these shootings, he did issue guidance to California district attorneys and law enforcement agencies in January 2026 regarding investigations of potential state law violations by federal agents or officers, specifically stating:

Where potential criminal conduct occurs while a federal agent or officer is carrying out federal duties, joint investigations and information sharing agreements continue to be best practices if feasible for investigating such instances. However, in light of the federal government's recent actions, it is important to recognize that the interests of the state are not subordinate to federal interests when it comes to regulating local crime. State and local law enforcement agencies maintain independent authority to investigate all potential violations of California state law even in instances where federal authorities may decline to cooperate [bold in original]. [...] California law enforcement agencies are not obligated to defer to federal law enforcement in any incident involving conduct by federal agents that may implicate state criminal law. However, conflict should be minimized, and communication and de-escalation should be of paramount importance in any interaction.

For a discussion of this bill's constitutional implications, see the analysis prepared by the Senate Committee on Public Safety.

Related/Prior Legislation

AB 1506 (McCarty, Chapter 326, Statutes of 2020).

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

According to the Senate Appropriations Committee:

Estimated \$5 million in FY 2026-27 and \$10 million annually thereafter to hire, train and be prepared to respond promptly to up to ten shootings anywhere in the state, as well as anticipated litigation that may arise out of the state's efforts to investigate and prosecute federal agents. (General Fund)

SUPPORT: (Verified 8/18/26)

AAPIs for Civic Empowerment
Alliance for a Better Community
Alliance for Boys and Men of Color
Asian Law Alliance
Buen Vecino
California Coalition of Women Prisoners
California Community Foundation
California Faculty Association
California Immigrant Policy Center
California Immigrant Policy Center
California League of United Latin American Citizens (ca Lulac)
California Rural Legal Assistance Foundation
Center for Empowering Refugees and Immigrants
Center for Human Rights and Constitutional Law
Central Valley Immigrant Integration Collaborative
Change Begins With Me (INDIVISIBLE)
Chispa
Coastside United Indivisible
Communities United for Restorative Youth Justice
Courage California
Drug Policy Alliance
Drug Policy Alliance
East Valley Indivisibles
Education and Leadership Foundation
Ella Baker Center for Human Rights
End Child Poverty CA
Episcopal Diocese of San Joaquin
Felony Murder Elimination Project
Friends Committee on Legislation of California
Glide Foundation
Immigrant Defenders Law Center
Immigrants Rising
Inclusive Action for the City
Indivisible Alta-Pasadena
Indivisible CA Statestrong
Indivisible Healdsburg
Indivisible Marin
Indivisible Media City Burbank
Indivisible Mid-peninsula

Indivisible San Pedro
Indivisible Santa Barbara
Indivisible Tri-valley
Indivisible West Marin
Indivisible Westside Los Angeles
Inland Coalition for Immigrant Justice
Inland Empire Immigrant Youth Collective
Justice2jobs Coalition
Khmer Girls in Action
LA Defensa
Livermore Indivisible
Madera Coalition for Community Justice
Majdal Arab Community Center of San Diego
Nextgen California
Orange County Equality Coalition
Orange County Justice Fund
Orange County Rapid Response Network
Rising Juntos
Sacramento County Young Democrats
Sacramento Mayor Kevin McCarty
San Bernardino Community Service Center, INC
Secure Justice
SEIU California
Southeast Asia Resource Action Center
Survivor Justice Center
The Black Alliance for Just Immigration
The Translatin@ Coalition
Valorus
Venice Resistance
Western Center on Law & Poverty
Working Partnerships USA

OPPOSITION: (Verified 8/13/26)

SFV Alliance

ASSEMBLY FLOOR: 59-20, 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, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

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

NO VOTE RECORDED: Celeste Rodriguez

Prepared by: Alex Barnett / PUB. S. /
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**** **END** ****