

Date of Hearing: April 8, 2026

ASSEMBLY COMMITTEE ON PUBLIC EMPLOYMENT AND RETIREMENT

Tina S. McKinnor, Chair

AB 1896 (Mark González) – As Introduced February 12, 2026

**SUBJECT:** Public employment: disqualifications

**SUMMARY:** Amends various existing laws relating to disqualification from public employment, minimum standards relating to peace officers, and adds certain criteria for an individual employed by an entity that engaged in immigration enforcement on or after January 20, 2025, to January 20, 2029, except as provided, among other provisions. Specifically, **this bill:**

- 1) With certain exceptions, disqualifies a person from public employment if they were previously employed by an entity that engaged in immigration enforcement, as defined, on or after January 20, 2025, to January 20, 2029, inclusive. Persons excepted from the disqualification are those who engaged in those activities at any of the following public entities:
  - a) A local agency pursuant to existing law relating to standards for responding to, and discretionary cooperation with, United States (U.S.) Immigration and Customs Enforcement (ICE) holds, as specified.
  - b) A local law enforcement agency pursuant to existing law relating to standards for participation in U.S. ICE enforcement programs, as specified.
  - c) A California law enforcement agency, and the Department of Correction and Rehabilitation (CDCR), pursuant to the “California Values Act,” as prescribed.
- 2) Amends existing law relating to minimum standards for public officers or employees having peace officer powers by establishing that such individuals must be found to be free of previous employment with an entity that engaged in immigration enforcement during the above-prescribed period with the above-described California entities, and that such individuals must meet minimum standards to be a peace officer, as prescribed under existing law.
- 3) Amends existing law relating to an appointing power’s discretion relating to the State Civil Service to refuse to examine, declare eligibility, or withhold or withdraw from an eligibility list, anyone who meets certain prescribed criteria by adding individuals who were previously employed by an entity that engaged in immigration enforcement during the above-prescribed periods, except those employed by the above-described public entities.
- 4) Neither prohibits or restricts any government entity or official from sending to, or receiving from, information regarding an individual’s lawful or unlawful citizenship status, or requesting such information from federal immigration authorities, or from maintaining or exchanging that information with any other federal, state, or local government entity, as specified.

- 5) Defines the following terms for these purposes:
  - a) “Local agency.”
  - b) “Local law enforcement agency.”
  - c) “Department of Corrections and Rehabilitation.”
  - d) “Immigration enforcement” to include efforts to investigate, enforce, or assist any federal civil or criminal immigration law that penalizes a person’s entry, reentry, or employment in the U.S.
- 6) Includes a severability clause to shield otherwise valid provisions from becoming invalid in the event of a legal challenge and subsequent judicial decision.
- 7) Includes provisions relating to the matter that this bill seeks to address is one of statewide concern, and that its provisions apply to all cities, including charter cities.
- 8) Includes pro forma provisions relating to reimbursement of costs to local agencies and school districts, if the Commission on State Mandates determines that this bill contains costs mandated by the State.

#### **EXISTING LAW:**

- 1) Establishes certain prohibitions against holding office, including prohibitions against those who advocate the overthrow of the federal or state governments by force, violence, or other unlawful means, or advocates the support of a foreign government against the United States in the event of hostilities, among other provisions. Sections 7 through 9, art. VII, Cal. Const.)
- 2) Provides for disqualifications from office or employment within this state, including for conviction of designated crimes; certain specified felonies; foreign military or political activities by oath of support; renouncement of all promises or obligations assumed under oath, as specified; ineligibility; exercise of duties in violation of law, as provided; membership and participation in the Communist Party and its activities or other organization advocating the forceful and violent overthrow of the federal or any state government; and, individuals who have been convicted, as prescribed, from being peace officers. (Sections 1021 through 1029, Gov. Code.)
- 3) Creates the state civil service that includes every officer and employee of the State except a limited number of specified, exempted officers and employees, and requires that the state make “permanent appointment and promotion in the civil service under a general system based on merit ascertained by competitive examination.” Case law and custom refer to this provision as the “merit principle” and it governs the administration of the state’s civil service system. (Sections 1 and 4, art. VII, Cal. Const.)
- 4) Establishes the State Civil Service Act to facilitate the operation of the Constitution’s merit principle for the state civil service; requires the State Personnel Board (SPB) to prescribe rules consistent with a merit based civil service system to govern appointments classifications, examinations, probationary periods, disciplinary actions, and other matters related to the SPB’s authority under Article VII of the California Constitution; authorizes the

SPB to conduct audits and investigations of the personnel practices of CalHR and appointing authorities to ensure compliance with civil service policies, procedures, and statutes, and permits the CalHR and the SPB to delegate, share, or transfer between them responsibilities for programs within their respective jurisdictions pursuant to an agreement. (Sections 18500 et seq., Gov. Code.)

- 5) Establishes, pursuant to Sections 2 and 3 of Article VII of the California Constitution, the SPB which must enforce civil service statutes, and by majority vote of all its members, prescribe probationary periods and classifications, adopt other rules authorized by statute, and review disciplinary actions. In addition, the Executive Officer of the SPB is required to administer civil service statutes under the rules of the SPB.
- 6) Creates the California Department of Human Resources (CalHR) and vests it with the powers, duties, and authorities necessary to operate the state civil service system pursuant to Article VII of the California Constitution, the Government Code, the merit principle, and applicable rules duly adopted by the SPB. (Sections 18500 et seq., Gov. Code.)
- 7) Requires the SPB to establish minimum qualifications for determining the fitness and qualifications of employees for each class of position, among other things, and authorizes the CalHR to require applicants for examination or appointment to provide documentation as it deems necessary to establish the applicants' qualifications. (Section 18931(a), Gov. Code.)
- 8) Authorizes the CalHR to designate an appointing power to design, announce, or administer examinations for the establishment of employment lists as specified. Existing law also permits a designated appointing power to contract with the CalHR or another designated appointing power for the purpose of designing, publicizing, or administering an examination. (Section 18930.5, Gov. Code.)
- 9) Permits an appointing power, or its authorized representative, to take adverse action against an employee for one or more of causes for discipline, as specified, and permits an appointing power, or its authorized representative, to take adverse action against an employee for one or more of causes for discipline, as specified. (Section 19574, Gov. Code.)
- 10) Defines "adverse action" to mean dismissal, demotion, suspension, or other disciplinary action, but excludes such action from affecting managerial employees, as specified. (Section 19570, Gov. Code.) Further, authorizes action to be taken against any employee or person whose name appears on any employment list for any cause of action in conformity with existing law and SPB rule. (Section 19571, Gov. Code.)
- 11) Expressly enumerates what constitutes a cause for discipline of an employee or a person whose name appears on an employment list as follows (Section 19572, Gov. Code.):
  - a) Fraud in securing employment.
  - b) Incompetency.
  - c) Inefficiency.
  - d) Inexcusable neglect of duty.
  - e) Insubordination.
  - f) Dishonesty.
  - g) Drunkenness on duty.

- h) Intemperance.
  - i) Addition to the use of controlled substances.
  - j) Inexcusable absence without leave.
  - k) Conviction of a felony or misdemeanor involving moral turpitude where a plea or guilty verdict, or a conviction following a plea of no contest, to a felony charge or offense involving moral turpitude is deemed to be a conviction with the meaning of existing law, as prescribed.
  - l) Immorality.
  - m) Discourteous treatment of the public or other employees.
  - n) Improper political activity.
  - o) Willful disobedience.
  - p) Misuse of state property.
  - q) Violation of existing law, as specified, or SPB rule.
  - r) Refusal to take and subscribe any oath or affirmation required by law in connection with employment.
  - s) Other failure of good behavior either during or outside of duty hours, which causes discredit to the appointing authority or the person's employment.
  - t) Any negligence, recklessness, or intentional act that results in the death of a patient of a state hospital serving the mentally or developmentally disabled.
  - u) The use during duty hours, for training or target practice, of any material not authorized for use by the appointing power.
  - v) Unlawful discrimination, including harassment, on any basis, as specifically provided and defined under existing law, against the public or other employees while acting in the capacity of a state employee.
  - w) Unlawful retaliation against any other state officer, employee, or member of the public who in good faith reports, discloses, divulges, or brings to the attention of the Attorney General or any other appropriate authority, facts or information relative to actual or suspected violation of any state or federal law occurring on job or directly related to the job.
- 12) Authorizes the CalHR to establish disciplinary criteria applicable to adverse actions taken by appointing bodies pursuant to the above-described causes. (Section 19573, Gov. Code.)
- 13) Authorizes the appointing authority or authorized representative to take adverse action against an employee for one or more of the causes for discipline, which is valid only if a written notice is served on the employee prior to the effective date of the action, among other provisions relating to procedural due process. (Section 19574, Gov. Code.)
- 14) Provides for additional procedural due process rights and obligations of an employee. (Sections 19574.1 et seq., Gov. Code.)
- 15) Governs collective bargaining in the private sector under the federal National Labor Relations Act (NLRA), but leaves it to the states to regulate collective bargaining in their respective public sectors. (Sections 151 et seq., Title 29, United States Code.) While the NLRA and the decisions of its National Labor Relations Board (NLRB) often provide persuasive precedent in interpreting state collective bargaining law, public employees have no collective bargaining rights absent specific statutory authority establishing those rights.

- 16) Provides several statutory frameworks under California law to provide public employees collective bargaining rights, govern public employer-employee relations, and limit labor strife and economic disruption in the public sector through a reasonable method of resolving disputes regarding wages, hours and other terms and conditions of employment between public employers and recognized public employee organizations or their exclusive representatives. These include the various acts governing employment relations for public employers and their employees in local, K-12 public schools and community colleges, higher education, state (certain executive branch employees), trial court, court interpreter, judicial council, and various public transit districts.
- 17) Establishes the PERB, a quasi-judicial administrative agency charged with administering certain statutory frameworks governing employer-employee relations, resolving disputes, and enforcing the statutory duties and rights of public agency employers, employees, and employee organizations, but provides the City and County of Los Angeles a local alternative to PERB oversight. (Sections 3541 et seq., Gov. Code.)

**FISCAL EFFECT:** Unknown. This bill is flagged as fiscal by Legislative Counsel.

**COMMENTS:** *The committee is informed that this bill is also referred to the Assembly Committee on Public Safety. As such, this writing only discusses matters that are germane to the jurisdiction of this committee and defers to the Assembly Committee on Public Safety to discuss matters that are specifically germane to its jurisdiction.*

Among other things, information provided by the author states, “[s]ince the start of President Trump’s second term, immigration enforcement agencies such as the Department of Homeland Security (DHS), [ICE], and Customs and Border Protection have been ordered to carry out aggressive, unchecked, and deadly military-style raids.

“To support these efforts, the administration has passed H.R. 1 (One Big Beautiful Bill Act) allocating over \$170 billion for immigration enforcement, with \$75 billion going directly to ICE – and allowing them to offer \$50,000 signing bonuses and build ranks of under-qualified agents. With ICE field offices giving quotas to detain at least 75 undocumented people per day, masked ICE and CBP agents are forcibly abducting people off the streets [without notice, due process], and with no regard for human rights or the law. As the year has progressed, these raids have only intensified, with agents injuring, shooting and even killing those they are detaining and innocent protesters like Renee Good and Alex Pretti. These intentionally reckless actions demonstrate a lack of care for human rights and life. Whistleblower documents and complaints presented to Congress also show alarming changes to ICE training including a shortened training program, the reduction of training exams and the removal of entire courses from their training program including use of force training.

“[This bill] is needed as immigration enforcement agents, by virtue of their employment, have consistently shown they are unwilling to stand up to unlawful orders, and therefore do not align with the core values of this state’s law enforcement or public employee missions. [This bill] will disqualify anyone who has engaged in immigration enforcement activity from January 20, 2025, to January 20, 2029, from being employed as a state, county, or local public agency employee, including as a peace officer, with exceptions for allowed activities under [Chapter 495, Statutes of 2017 (Senate Bill 54, De Leon)] – the California Values Act.... Anyone who engages in the

terrorizing, kidnapping, shooting, or killing of innocent people has shown they are not interested in serving the public interest but are instead agents of harm, hate, and substantive violence. By disqualifying them from public employment, California will continue to ensure its people are served by those with their best interest at heart. [This bill will also] have a positive impact on underserved and marginalized communities as they are primarily made up of communities of color and can be heavily immigrant. These are the same communities that have been targeted and the most heavily impacted by immigration enforcement. By ensuring that those who terrorize, kidnap, shoot, or kill in California's communities will never get a public job here, [this] will protect them and future generations from those who do not share in California's values."

### **State and Local Civil Service or Merit System**

Civil service systems, commonly referred to as "merit systems," covering various public employees, including state or local, are typically found in statutes, local government ordinances or charters, or personnel rules of a public agency. These statutes or local provisions establish specific guidelines on whether and how discipline should be imposed in the form of an adverse action against an employee.

What are "merit systems?" To combat the "spoils system" that permeated most California civil service jobs prior to 1913 when most state jobs awarded were based on the applicant's political allegiance or personal relationships, in 1913, the Legislature enacted the Civil Service Act to address this activity. However, that act was not operating as the Legislature intended, i.e., jobs were being filled based on factors other than the individual's qualifications and, in 1934, voters approved the State Civil Service Act to replace the original 1913 version. The basic provisions of that initiative remain in effect today.<sup>1</sup>

The CalHR administers the merit system for the state civil service, and also is responsible for establishing merit standards and administering personnel systems for local agencies that administer federal grant-in-aid programs. For state civil service employees, the merit system is established in the Cal. Const. and codified in the Gov. Code.<sup>2</sup> Statutes or local rules also may provide for administrative procedures for employee appeals. In the capacity regarding local agencies, the CalHR's primary responsibility is to ensure compliance with applicable federal merit system requirements. Often, cities, counties, and other local agencies have merit or civil service systems that mirror the state's system and principle; however, some procedures may vary. Personnel rules and regulations may be adopted by the employer, or negotiated and established in a collective bargaining agreement. For certain local merit systems that are administered by the CalHR and not locally, (e.g., where such systems of employment are required by statute or regulation as a condition of a state-funded or federal grant program, i.e., Social Security Act, Public Health Service Act, or Federal Civil Defense Act), candidates for local civil service employment also may appeal departmental actions and decisions regarding disqualification. (Sections 19800 et seq. Gov. Code, and Section 17036, Title 2, Cal. Code of Regs.)

In sum, the merit system and principle is essential for maintaining fair and effective civil service in California. It ensures that hiring and promotion decisions are based on merit, which enhances

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<sup>1</sup> Ref. "Existing Law, No. "3)."

<sup>2</sup> Art. VII *ibid.*, and Sections 19570 et seq. Gov. Code.

the integrity of the civil service, fosters trust in government operations, and effectively serves the public interest.

### **Due Process Rights of Public Employees**

Due process is a constitutional construct that consists of substantive rights, i.e., legal and procedural, afforded to individuals (and businesses), and provides rights to make and defend against legal claims, receive notice of claims, and have an opportunity to be heard in a competent court of law or other appropriate adjudicative forum regarding those claims.<sup>3</sup>

In public employment, due process also applies to permanent public employees to protect their employment, i.e., property rights and liberty interests, including those relating to discipline. Here, these employees have a fundamental right to fairness and must receive a notice of disciplinary action, a copy of the materials on which the action is based, and an opportunity to respond to those charges to an impartial reviewer prior to discipline or termination being imposed. This pre-disciplinary hearing process for public employees, commonly referred to as a “Skelly hearing” in which the court held that permanent public employee status is a constitutionally protected property interest, exists because the employee has a protected property right to their job and cannot be deprived of it without due process. (*Skelly v. State Personnel Bd.* (1975) 15 Cal.3d 194.) Thus, a preliminary hearing must take place prior to the imposition of discipline upon, or termination of, the employee. In most cases, additional procedural protections also are afforded after the fact.<sup>4</sup> (*Skelly, id.*)

What is a “property” interest in this context? Most – not all – public employees have a property interest in their continued employment, position, and/or compensation, which is protected by due process under the federal and state constitutions.<sup>5</sup> Upon a proposed deprivation of that interest, the employee has a legally enforceable right to defend their interest to receive a government benefit – their employment. (*Skelly, id.*) “To have a property interest in a benefit, a person clearly must have more than an abstract need or desire for it. [They] must have more than a unilateral expectation of it. [They] must, instead, have a legitimate claim of entitlement to it. It is the purpose of the ancient institution of property to protect those claims upon which people rely in their daily lives, reliance that must not be arbitrarily undermined. It is a purpose of the constitutional right to a hearing to provide an opportunity for a person to vindicate those claims. Property rights, of course, are not created by the Constitution. Rather, they are created, and their dimensions are defined, by existing rules or understandings that stem from an independent source such as state law – rules or understandings that secure certain benefits and that support claims of entitlement to those benefits.” (*Board of Regents v. Roth* (1972) 408 U.S. 564, and *Goldberg v. Kelly* (1970) 397 U.S. 254.)

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<sup>3</sup> Fifth Amendment (Due Process) and Fourteenth Amendment (Equal Protection), U.S. Const. Also see Section 7(a), art. I, Cal. Const.

<sup>4</sup> Also see *Townsend v. San Diego Metropolitan Transit Development Bd.* (1998) 65 Cal.App.4th 940, 947, as an example.

<sup>5</sup> At-will public employees who serve at the pleasure of the appointing agency do not have a justified expectation in continued employment. As an example, see *Williams v. Los Angeles City Department of Water and Power* (1982) 130 Cal.App.3d 677. Also see Section 2922, Labor Code. Generally, nonpermanent public employees also do not have such protections. (*Lubey v. City and County of San Francisco* (1979) 98 Cal.App.3d 340), for example. However, there are some exceptions not discussed as they are beyond the scope of this bill.

Even if a public employee does not have a property interest in continued employment, they have a liberty interest protected by the state and federal constitutions.<sup>6</sup> Unlike a property interest, the liberty interest does not depend on employment status. This interest protects an employee's reputation and opportunity to earn a living without the burden of an unjustified and stigmatizing charge of misconduct.<sup>7</sup> The right to a "name-clearing hearing" to protect their liberty interest may be triggered if the employee is disciplined based on a charge of misconduct that stigmatizes their reputation or seriously impairs their opportunity to earn a living, or damages their standing or association in the community.

The expressly enumerated statutory list of causes for discipline applicable to state civil service employees cover a range of acts or behavior that may result in discredit to the public employer. As to these employees, the SPB has sole jurisdiction to review discipline. (Sections 2 and 3, art. VII, Cal. Const.) Appeals are heard by an Administrative Law Judge (ALJ) who determines whether the employee engaged in conduct that constitutes one or more of the causes for discipline and if the action is just and proper for the proven misconduct. The SPB reviews the proposed ALJ decision. To ensure consistency in determining the cause for discipline, the SPB has defined many of the causes in precedential decisions.<sup>8</sup> Court cases also provide definitions for some of the listed causes for discipline. (Ex: *Wilson v. State Personnel Bd.* (1976) 58 Cal.App.3d 65 (re: inefficiency); *Anderson v. State Personnel Bd.* (1987) 194 Cal. App.3d 761 (re: failure of good behavior causing discredit to the agency), and *Vielehr v. State Personnel Bd.* (1973) 32 Cal.App.3d 187 (finding "failure of good behavior... that causes discredit" to the employer as unconstitutionally vague).)

Generally, factors that are used to determine proof of misconduct by an adjudicator or arbitrator include: (i) reasonableness of the rule or standard of conduct; (ii) notice to the employee of the rule; (iii) notice to the employee of disciplinary consequences; (iv) notice to the employee of the charge; (v) timely action on the charge (by the employer); (vi) adequate and fair investigation; (vii) employee's opportunity to respond; (viii) proof of the charged misconduct; (ix) equal treatment for similar misconduct, and (x) double jeopardy. Along with these, generally, other factors used may include: (i) progressive discipline (whether the discipline is sufficient to correct behavior, but not be unduly harsh or punitive); (ii) seriousness of the misconduct (level of discipline should be commensurate with the seriousness of the misconduct); (iii) similar penalty for similar misconduct (fairness and congruity between the seriousness of the offense and the severity of the penalty); (iv) length of service; (v) prior disciplinary record; (vi) employer's degree of fault; (vii) other mitigating or aggravating circumstances, and (xiii) post-discharge misconduct.

For public safety officers, including city police officers, county deputy sheriffs, state police or highway patrol officers, due process rights are specified in the Public Safety Officers Procedural Bill of Rights Act (PSOPBRA). (Sections 3300 et seq., Gov. Code.)<sup>9</sup>

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<sup>6</sup> First Amendment, U.S. Const., and Sections 1 through 2, inclusive, art. I, Cal. Const.

<sup>7</sup> Ex. *Lubey v. City and County of San Francisco*, id.

<sup>8</sup> See "Precedential Decisions," SPB website. Visit <https://spb.ca.gov/precedentialdecisions/precedentialdecisions.aspx>.

<sup>9</sup> This specific matter is deferred to the Assembly Committee on Public Safety for further discussion as it deems necessary or appropriate.

## **Governor’s Executive Order Regarding, Among Other Things, Federal Employees**

Among other interests and directives in the Governor’s Executive Order N-22-25, the Executive Order also expressed that, “... recent actions by the federal government to reduce the size of the federal workforce and eliminate jobs for federal civil servants with expertise that would benefit the State create opportunities to fill unmet needs in the State workforce.”<sup>10</sup>

Although the rationale and purposes of this bill may appear to conflict with the relevant provision of the Executive Order, they reasonably differ as to “expertise” and specific “unmet skills.” Whereas, the Executive Order may be construed as a broad statement expressing an overall interest, vision, and directive to executive agencies for implementation, this bill may represent a narrowed approach with respect to that interest, vision, and directive with respect to “expertise” and “unmet skills,” and when considering that some – not all – employees who engaged in immigration enforcement activities, as defined by this bill, have had questionable or a concerning deficiency in immigration law enforcement or associated training and/or demonstrated a deficiency in moral character or behavior sufficient to disqualify them from California’s public service workforce.

### **This Bill**

Colloquially titled the “Get the Feds Out (GTFO) Act” by the author, consistent with the rationale and intent stated in the several unambiguous and uncodified legislative findings and declarations in furtherance of the operative provisions of this bill, and when considering the “California Values Act,”<sup>11</sup> this bill proposes a narrow expansion of the state’s existing laws relating to civil service disqualification, minimum standards for employment of peace officers, and discretionary cooperation with immigration enforcement entities.

In operational effect, this bill would bar public employment, with certain exceptions, by disqualifying the current employment of individuals who were employed by an entity and engaged in the defined “immigration enforcement” activities during the prescribed period, and prospectively bar individuals who engaged in those activities that may be interested and act upon that interest to join California’s public sector service. Notwithstanding these, there also may exist conflicting constitutional or other statutory considerations, briefly discussed in general, below.

### **Potential Conflicting Constitutional or Other Statutory Considerations, In General**

Although the legislative findings and declarations of this bill can be construed to condemn the actions of the federal government, the operative provisions of this bill do not specifically target the federal government, itself. Rather, they propose to address ongoing federal policies and directives that continue to be executed by some of its employees in a manner that is directly related to, and has resulted in, widespread public concern. In this regard, many of the actions by immigration law enforcement employees resulting from federal policies and directives are well documented. However, the approach of this bill may raise constitutional or statutory concerns

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<sup>10</sup> Also see, “*Fired by the federal government? California may have a job for you.*” The Sacramento Bee, April 6, 2025.

<sup>11</sup> Sections 7284 et seq., Gov. Code.

that questions whether it may withstand judicial scrutiny. Not exhaustive, several of these may include:

*Equal Protection: Fourteenth Amendment, U.S. Const., and Sections 7(a), art. I, Cal. Const.*

A cornerstone of civil rights laws, federal and state constitutional equal protection provisions requires the state(s) to treat individuals in similar situations equally under the law. To the extent that this bill proposes to apply a disqualification to some individuals for the prescribed employment activities while not equally applying that standard to others who are similarly situated, this may raise questions as to whether it could withstand judicial scrutiny.

*Bill of Attainder: Clause 3 of Section 9, art. I, U.S. Const., and Section 9, art. I, Cal. Const*

Impermissible under both the state and federal constitutions, a bill of attainder is a legislative act that imposes guilt and inflicts punishment on a person or group of persons without a trial.

Historically and currently, the establishment of employment qualifications is deeply imbedded as a standard custom, practice, and metric used throughout the U.S. by both public and private employers when considering job applicants to fill a vacancy. Indeed, a plethora of job openings in both sectors often explicitly state required qualifications and in some instances, may go further by utilizing a phrase to amplify a preference such as "... (desirable) candidates should (or must) possess a specific skill set; a specific number of years performing the same or similar work; or, have successfully completed a certain level of educational attainment, for the employer to determine whether the applicant is qualified for additional consideration beyond application review. Along these lines, some may consider that what this bill proposes is not entirely different merely because it prescribes who is not qualified.

Arguably, this bill may discourage or disincentivize public employment by individuals who engaged in the defined "immigration enforcement" activities during the prescribed period. Simultaneously, it could arguably be construed to effect a punishment of sorts on those individuals who have the prescribed prior employment history, and in a manner that could impair their current public sector employment or prospective employment opportunities. To the extent that this bill could be construed to operate as a *de facto* form of punishment by barring in advance, certain individuals who have the specified employment history, this may raise questions as to whether it could withstand judicial scrutiny.

*Disqualification: Section 8, art. I, Cal. Const.*

This state constitutional provision expressly provides that a person may not be disqualified from entering or pursuing a... profession, [...] or employment because of sex, race, creed, color, or national or ethnic origin. It is noted here, however, that a potential reliance or argument based on this constitutional provision as a means to raise substantive or material questions regarding the potential legality of this bill might not be fruitful, as that constitutional provision necessitates that disqualification be predicated on any of the stated suspect classifications.

*Impairing the Exercise of Constitutional Liberty Interests*

Both the state and federal constitutional prescribe a person's right to liberty. (First Amendment, U.S. Const., and Sections 1 through 2, inclusive, art. I, Cal. Const.) Commonly, many refer to

“liberty” as freedoms of speech, religion, press, peaceful assembly, association, movement, choice, and from incarceration until otherwise adjudged by a jury of their peers, etc. However, recall the discussion earlier under “Due Process Rights of Civil Service Employees” that liberty interests in public employment and to earn a living also exist, as previously discussed. To the extent that this bill may be construed to impair such interests, this may raise questions as to whether it may withstand judicial scrutiny.

### *Merit Principle Conflict*

Recall the history and purposes for which the merit system and its principle exist, as previously discussed under “State and Local Civil Service or Merit System.” To the extent that this bill proposes to, in advance, bar or disqualify individuals from public employment due to prior employment history and actions associated with that employment, this bill may conflict with the state’s constitutional and statutory (including local rules, ordinances, or public agency policy) provisions relating to the merit principle.

### *State Fair Employment and Housing Laws Conflict*

Broadly, the California Fair Employment and Housing Act (FEHA) is a comprehensive law that protects individuals from discrimination in both the workplace and housing market that is applicable to housing providers, and both public and private employers who employ a minimum number of employees. Although the FEHA covers a wide range of personal traits and conditions, i.e., e.g., race, color, national origin, religion, sex, sexual orientation, marital status, medical condition, and disability, discrimination is prohibited at all stages of employment, to the extent that this bill may be construed as potentially having a discriminatory effect against current, and also, prospective employees who either were or currently are employed and engaged in “immigration enforcement” activities, as defined, this bill may conflict with the FEHA.

### **The Severability Clause in this Bill**

Although questions may exist regarding the above-described potential constitutional or statutory conflicts of this bill, as enumerated under “Summary,” this bill includes a severability clause to shield otherwise valid provisions from becoming invalid in the event of a legal challenge and subsequent judicial decision.<sup>12</sup>

### **California’s Various Statutes Regarding Civil Service Disqualification Following the History of the “Red Scare” and “McCarthyism”**

Towards the end and after World War I, from 1917-1920, then again between 1947 to 1954 after World War II, coupled with the beginning of the Cold War and thawing of the precarious wartime alliance and relations between the U.S. and the Soviet Union, periods of public fear and anxiety over the rise of communism or socialist ideologies in a noncommunist state existed.

Throughout these periods, the increase in organized labor movements, immigration, urbanization and industrialization followed by the Palmer Raids, installation of communist governments in Eastern European countries that increased the Soviet Union’s “sphere of influence,” the rise of

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<sup>12</sup> See. SEC. 6. In this bill.

the Communist Party in China, and the Soviet Union's detonated of its first atomic bomb led to widespread paranoia in the U.S. among federal officials and the public. Federal officials became concerned of the alarming rate and reach at which these changes were occurring and there was strong interest to "contain" the influence to a limited regional basis to prevent further spread of communism, and that would help to secure U.S. regional interests and advance the country's global hegemony (political, economic, and military) interests. Through often colorful public claims and accusations lead by a U.S. Senator and other public officials that some U.S. State Department and other federal employees were loyal to the Soviets, calls for investigations of various federal agencies and individuals fostered widespread paranoia. These accusations resulted in many workers, including those in government and mass media, to be driven out of their jobs, albeit, with very few convictions based on those accusations.

California was not immune. In response to, and a result of, these periods of actions, various statutes were enacted by the Legislature prohibiting individuals who engage in certain activities, as specified, from public employment and these statutes still exist today. In many respects, some may view the current tenor of federal political and public policy discourse, along with constant opinion news media coverage, and the approach of accusations from, and actions led by, the federal government and some federal officials targeting against specific states, citizens and noncitizens, that the totality of these emanating from and advanced by the federal government may be reminiscent – or a repeat – of that history.

Given that history, it is noted that when considering the impetus for, and enactment of, the California Values Act, as well as the uncodified legislative findings and declarations in this bill, the statements in this bill are not entirely dissimilar in ultimate reason or purpose as to those used in the enactment of Sections 1024 (re: renunciation of foreign obligations), 1027.5 (re: world communism movement), 1028 (re: advocating overthrow of government) of the Gov. Code, for example. Notwithstanding variations among the specific reasons and purposes relating to the ultimate concerns expressed by those statutes and the statements in this bill, each directly relate to public concern of individuals potentially serving in California's public service who subscribe to and act upon values that are incongruent with the values of this state.

Similarly, this bill proposes to address a matter of statewide concern that, arguably, may be consistent with, and that relate to, the state's federal constitutional power to regulate matters not delegated to the federal government, nor prohibited by it to the states, and that are reserved to the state or its people.<sup>13</sup>

### **Conflict Notice to the Author**

The author is informed that the Office of Legislative Counsel has issued a conflict notice regarding this bill, Assembly Bill 1627 (Avila Farias, 2026) and Senate Bill 1332 (Gonzalez).

A conflict exists when two or more bills and/or constitutional amendments amend, add, repeal, or amend and renumber the same section, article, chapter, division, title, or heading. The enactment of these measures in their present form could give rise to a serious legal problem that may be avoided by appropriate amendments.

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<sup>13</sup> Ref. SEC. 7. of this bill, and Tenth Amendment, U.S. Const.

### **Author's Statement**

“Since the start of [President Trump’s] second term in January of 2025, our communities and neighborhoods have lived in fear due to aggressive, unchecked military-style immigration raids. These raids have proven to be increasingly deadly, as agents are beating, shooting, and, in some instances, killing innocent civilians. Renee Good, Alex Pretti, Keith Porter Jr., and so many more have lost their lives due to federal aggression. The agents who are committing these atrocities have shown their true colors by working for a federal administration that does not care about the law, due process, or basic human rights. [This bill] will protect California against these individuals by making sure that anyone who has engaged in immigration enforcement activity from January 20, 2025, to January 20, 2029, will be disqualified from being employed by a state, county, or local public agency. Anyone who participates in the terrorizing, kidnapping, shooting, or killing of innocent people has shown they are not interested in serving the public interest but are instead agents of harm, hate, and substantive violence. By disqualifying them from public employment, California will continue to ensure its people are served by those with their best interest at heart.”

### **Comments by Supporters**

Generally, and among other things relating to federal budgetary actions and directives, supporters assert that individuals who engage in terrorizing, kidnapping, shooting, or killing an innocent person has shown that they are not interested in serving the public interest, but are agents of harm, hate, and substantive violence. By disqualifying such individuals from public service, California will continue to ensure that its people are served by those with their best interests at heart.

### **Comments by Opponents**

Broadly, representatives of peace officers express that this bill creates a new disqualification standard that restricts who can serve as peace officer based on prior employment instead of qualifications; politicizes law enforcement hiring and sets a concerning precedent by disqualifying individuals in advance; does not address workforce shortages in law enforcement and interagency cooperation, and erodes a unified law enforcement framework since it penalizes certain law enforcement individuals. Further, the contend that the broad scope of the bill also captures others besides federal immigration law enforcement and it negates that to become a peace officer in California, a person is subject to an extensive background check and high statutory and departmental qualifications. Among other concerns, they assert that this bill would broadly and categorically disqualify individuals from being employed as clerks, dispatchers, records personnel, evidence/forensic technicians, community service officers, administrative assistants, public administrators, analysts, and from other critical non-sworn positions or roles.

The City of Newport Beach asserts, among several similar arguments, that this bill disqualifies employment with cities, counties, and other public agencies based solely on prior employment during a specified timeframe, and that this blanket approach does not allow consideration for a person’s actual conduct, performance, or demonstrated commitment to community and public service. As such, otherwise qualified candidates would be unnecessarily excluded.

**Prior or Related Legislation**

Assembly Bill 1627 (Avila Farias, 2026) proposes to disqualify a person from certain positions in public employment if they were employed by the United States (U.S.) Immigration and Customs Enforcement (ICE) or Department of Corrections (DOC) of Alabama or Georgia, respectively, during specified periods, and requires background checks to be performed by certain agencies for specific classifications, among other provisions. This bill is currently pending in Assembly Committee on Public Safety.

Assembly Bill 1537 (Bryan, 2026) proposes to prohibit peace officers from engaging in part-time or any other form of secondary employment for the United States (U.S.) Department of Homeland Security (DHS) or any other entity that engages in immigration enforcement. This bill is currently pending in the Assembly Committee on Appropriations.

Chapter Senate Bill 1332 (Gonzalez, 2026) proposes to disqualify a person from state employment if they employed by the U.S. ICE during specified periods, and requires state employment forms to require applicants to disclose whether they were employed by the U.S. Department of Homeland Security, among other provisions. This bill is currently pending in the Senate Committee on Labor, Public Employment and Retirement.

Chapter 495, Statutes of 2017 (Senate Bill 54, De Leon) limits the involvement of state and local law enforcement agencies in federal immigration enforcement and establishes the California Values Act, among other provisions.

**REGISTERED SUPPORT / OPPOSITION:****Support**

California State Council of Service Employees International Union  
Central American Resource Center  
Coalition for Humane Immigrant Rights  
Courage California  
Justice2jobs Coalition  
LA Defensa  
Rubicon Programs  
Viet Voices

**Oppose**

California Association of Highway Patrolmen  
California State Sheriffs' Association  
City of Newport Beach  
Riverside County Sheriff's Office

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