

Date of Hearing: April 21, 2026

Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1896 (Mark González) – As Amended April 14, 2026

SUMMARY: Disqualifies any person previously employed by an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, from being employed as a peace officer, except as specified. Specifically, **this bill:**

- 1) Provides that any person previously employed by an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, is disqualified from holding office as a peace officer or being employed as a peace officer of the state, county, city, city and county, or other political subdivision, as specified, and is disqualified from any office or employment by any such entity, as specified, which confers upon the holder or employee the powers and duties of a peace officer.
- 2) Exempts the following persons from the above peace officer disqualification requirement, if they were engaged in immigration enforcement at any of the following public entities as permitted under California law, as specified (hereafter, exempt entity):
 - a) A local agency, as specified, which is defined to mean any city, county, city and county, special district, or other political subdivision of the state.
 - b) A local law enforcement agency, as specified, which is defined to mean any agency of a city, county, city and county, special district, or other political subdivision of the state that is authorized to enforce criminal statutes, regulations, or local ordinances; or to operate jails or to maintain custody of individuals in jails; or to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities; or to monitor compliance with probation or parole conditions.
 - c) A California law enforcement agency, as specified, which is defined to mean a state or local law enforcement agency, including school police or security departments, but excluding the Department of Corrections and Rehabilitation (CDCR).
 - d) CDCR, as specified.
- 3) Establishes a new minimum standard for each class of public officers or employees declared by law to be peace officers, which requires that such persons be free of previous employment with an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, inclusive, and except for persons who engaged in immigration enforcement at an exempt entity.
- 4) Disqualifies a person from public employment, including, but not limited to, employment with a city, county, district, or any other public agency of the state, if they were previously

employed by an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, inclusive, except for a person who engaged in immigration enforcement at an exempt entity.

- 5) Authorizes the Department of Human Resources or a designated appointing power to refuse to examine, or after examination may refuse to declare as eligible, or may withhold or withdraw from an eligible list, before the appointment, anyone who has been previously employed by an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, except for persons who engaged in immigration enforcement at an exempt entity.
- 6) Defines “immigration enforcement” as including any efforts to investigate or enforce any federal civil immigration law, including investigating or enforcing any federal criminal immigration law that penalizes a person’s presence in entry to, or reentry to, or employment in, the United States.
- 7) Specifies that none of the above prohibits or restrict any governmental entity or official from sending to, or receiving from, federal immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or from maintaining or exchanging that information with any other federal, state, or local governmental entity, as specified.
- 8) Includes a severability clause.
- 9) Makes legislative findings and declarations.

EXISTING LAW:

- 1) Disqualifies each of the following persons, except as specified below, from holding office as a peace officer or being employed as a peace officer by any state or local agency, as specified:
 - a) Any person who has been convicted of a felony, or of any offense in any other jurisdiction which would be a felony if committed in this state.
 - b) Any person who has been discharged from the military for committing an offense, as adjudicated by a military tribunal, which would be a felony if committed in this state.
 - c) Any person who, after January 1, 2004, has been convicted of a crime based upon a verdict or finding of guilt of a felony by the trier of fact, or upon the entry of a plea of guilty or nolo contendere to a felony, regardless of whether a court declares the offense a misdemeanor or the offense becomes a misdemeanor by operation of law, as specified.
 - d) Any person who has been charged with a felony and adjudged to be mentally incompetent, as specified.
 - e) Any person who has been found not guilty by reason of insanity of any felony.

- f) Any person who has been determined to be a mentally disordered sex offender, as specified.
 - g) Any person adjudged addicted or in danger of becoming addicted to narcotics, convicted, and committed to a state institution as specified.
 - h) Any person who, following exhaustion of all available appeals, has been convicted of, or adjudicated through an administrative, military, or civil judicial process requiring not less than clear and convincing evidence, as having committed an act that is a violation of a specified forgery offense, alteration of jury-lists, jury tampering, or falsifying jury lists, specified perjury offenses, specified falsifying evidence offenses, specified witness intimidation offenses, and specified offenses against public justice, including any act committed in another jurisdiction that would have been a violation of any of those sections if committed in this state.
 - i) Any person who has been issued a peace officer certification, as specified, and has had that certification revoked by the Commission on Peace Officer Standards and Training (POST), has voluntarily surrendered that certification, as specified, or, having met the minimum requirement for issuance of certification, has been denied issuance of certification.
 - j) Any person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or any other database designated by the federal government whose certification as a law enforcement officer in that jurisdiction was revoked for misconduct, or who, while employed as a law enforcement officer, engaged in serious misconduct that would have resulted in their certification being revoked by the commission if employed as a peace officer in this state. (Gov. Code, § 1029, subd. (a)(1)-(11).)
- 2) Specifies that a plea of guilty to a felony pursuant to a deferred entry of judgment program, as specified, shall not alone disqualify a person from being a peace officer unless a judgment of guilty is entered, as specified. (Gov. Code, § 1029, subd. (b)(1).)
- 3) Specifies that a person who pleads guilty or nolo contendere to, or who is found guilty by a trier of fact of, an alternate felony-misdemeanor drug possession offense and successfully completes a program of probation, as specified, shall not be disqualified from being a peace officer solely on the basis of the plea or finding if the court deems the offense to be a misdemeanor or reduces the offense to a misdemeanor. (Gov. Code, § 1029, subd. (b)(2).)
- 4) Specifies that any person who has been convicted of a felony, other than a felony punishable by death, in this state or any other state, or who has been convicted of any offense in any other state which would have been a felony, other than a felony punishable by death, if committed in this state, and who demonstrates the ability to assist persons in programs of rehabilitation may hold office and be employed as a parole officer of CDCR or the Division of Juvenile Justice (DJJ), or as a probation officer in a county probation department, if the person has been granted a full and unconditional pardon for the felony or offense of which

they were convicted, although CDCR, DJJ, or the probation department may still refuse to employ that person regardless of their qualifications. (Gov. Code, § 1029, subd. (c).)

- 5) States that none of the above section limits or curtails the power or authority of any board of police commissioners, chief of police, sheriff, mayor, or other appointing authority to appoint, employ, or deputize any person as a peace officer in time of disaster caused by flood, fire, pestilence or similar public calamity, or to exercise any power conferred by law to summon assistance in making arrests or preventing the commission of any criminal offense. (Gov. Code, § 1029, subd. (d).)
- 6) States that none of the above prohibits a person from holding office or being employed as a superintendent, supervisor, or employee having custodial responsibilities in an institution operated by a probation department, if at the time of the person's hire a prior conviction of a felony was known to the person's employer, and the class of office for which the person was hired was not declared by law to be a class prohibited to persons convicted of a felony, but as a result of a change in classification, as provided by law, the new classification would prohibit employment of a person convicted of a felony. (Gov. Code, § 1029, subd. (e).)
- 7) Requires the Department of Justice (DOJ) to supply POST with necessary disqualifying felony and misdemeanor conviction data for all persons known by the department to be current or former peace officers, and permits POST to use the information for decertification purposes. (Gov. Code, § 1029, subd. (f).)
- 8) Specifies that this data, once received by the POST, shall be made available for public inspection, including documentation of the person's appointment, promotion, and demotion dates, as well as certification or licensing status and the reason or disposition for the person leaving service. (Gov. Code, § 1029, subd. (f).)
- 9) Requires CDCR and the Department of the Youth Authority to complete a background investigation, using as guidelines standards defined by POST, of any applicant for employment as a peace officer before the applicant may be employed or begin training as a peace officer, and specifies, to reduce potential duplication of effort by individual institutions, that investigations shall be accomplished by each department on a centralized or regional basis to the extent administratively feasible. (Gov. Code, § 1029.1.)
- 10) Requires every law enforcement agency (LEA) to require a peace officer or prospective peace officer to undergo a fingerprint-based state and national criminal history background check. (Gov. Code, § 1030, subd. (a).)
- 11) Requires an LEA to submit to the DOJ fingerprint images and related information for a peace officer or prospective officer who is subject to a state and national criminal history background check, as specified, and requires the DOJ to provide a state- or federal-level response, as specified. (Gov. Code, § 1030, subd. (b).)
- 12) Establishes minimum standards for peace officers, including that they: 1) are legally authorized to work in the U.S. under federal law; 2) are at least 18 years of age; 3) are fingerprinted for purposes of searching local, state, and national fingerprint files to disclose a criminal record; 4) are of good moral character, as determined by a thorough background investigation; 5) are a high school graduate or have attained other specified educational

levels; 6) are free from any physical, emotional, or mental condition, including bias against race, ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of peace officer powers, and specifies that these provisions shall be interpreted and applied consistent with federal law and regulations (Gov. Code, § 1031, subds. (a)-(h).)

- 13) Requires, for purposes of performing a thorough background investigation for applicants not currently employed as a peace officer, as required in the above paragraph, or in the case of an applicant for a position other than a sworn peace officer within an LEA, an employer shall disclose employment information relating to a current or former employee, upon request of an LEA, if all of the following conditions are met:
 - a) The request is made in writing.
 - b) The request is accompanied by a notarized authorization by the applicant releasing the employer of liability.
 - c) The request and the authorization are presented to the employer by a sworn officer or other authorized representative of the employing LEA. (Gov. Code, § 1031.1, subd. (a).)
- 14) Defines employment information, as described above, to include written information in connection with job applications, performance evaluations, attendance records, disciplinary actions, eligibility for rehire, and other information relevant to the performance of a peace officer or other LEA applicant, except information prohibited from disclosure by any other state or federal law or regulation. (Gov. Code, § 1031.1, subd. (c).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “Since the start of President’s Trump 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. AB 1896 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.”

- 2) **Background: Federal Immigration Enforcement Efforts.** President Trump vowed to carry out the largest deportation program in U.S. history during his second term. The White House previously set a goal of 1 million annual deportations.¹ On January 20, 2025, the President issued an order titled “Protecting the American People Against Invasion.” The order states that “[i]t is the policy of the United States to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people. Further, it is the policy of the United States to achieve the total and efficient enforcement of those laws, including through lawful incentives and detention capabilities.”² Notable provisions of this order include: 1) directing the Department of Homeland Security (DHS) to set enforcement priorities, emphasizing criminal histories; 2) establishing Homeland Security Task Forces in each state; 3) requiring all noncitizens to register with DHS, with civil and criminal penalties for failure to register; 4) directing DHS to collect all civil fines and penalties from undocumented individuals, such as for unlawful entry or attempted unlawful entry; 5) expanding the use of expedited removal; 6) building more detention facilities; 7) encouraging federal/state cooperation, as specified; 8) encouraging voluntary departure, as specified; 9) limiting access to humanitarian parole and Temporary Protected Status; 10) directing the U.S. AG and DHS to ensure that “sanctuary” jurisdictions do not receive access to federal funds; 11) reviewing federal grants to non-profits assisting undocumented persons and denying public benefits to undocumented persons; and 12) hiring more U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) officers.³

On July 4, 2025, President Trump signed the One Big Beautiful (OBB) Act, a massive domestic policy bill that, among other provisions, allocates more than \$170 billion for immigration enforcement through 2029.⁴

Immigration arrests have significantly increased since President Trump’s second term began.⁵ ICE removals in California were substantially similar to the numbers from the previous year in the first few months of Trump’s second term; however, beginning in the summer, removals significantly ramped up.⁶ Data indicates that ICE deported at least 8,250 people from California in the first nine months of 2025.⁷ From June 6 to June 22, 2025, federal immigration enforcement teams arrested 1,618 immigrants for deportation in Los Angeles and the surrounding Southern California regions.⁸ In response to the protests, President Trump deployed National Guard troops and Marines to L.A. over the objections of

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

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

³ *Ibid.*

⁴ Explainer, *One Big Beautiful Bill Act: Immigration Provisions* (July 7, 2025), available at: <https://forumtogether.org/article/one-big-beautiful-bill-act-immigration-provisions/>

⁵ Albert Sun, *Immigration Arrests Are Up Sharply in Every State. Here Are the Numbers*, New York Times (June 27, 2025), available at: <https://www.nytimes.com/interactive/2025/06/27/us/ice-arrests-trump.html>

⁶ Mathew Miranda, *ICE deportations in California surged in the thousands as 2025 went on*, Sacramento Bee (Jan. 12, 2026), available at: <https://www.sacbee.com/news/california/article314213552.html>

⁷ *Ibid.*

⁸ Andrea Castillo, *More than 1600 immigrants detained in Southern California this month, DHS says*, Los Angeles Times (June 25, 2025), available at: <https://www.latimes.com/politics/story/2025-06-25/more-than-1-600-immigrants-detained-in-southern-california-this-month-dhs-says>

state officials.⁹ In September and October of 2025, federal immigration officers arrested more than twice as many people in the region of San Diego as they did in the entirety of 2024.¹⁰

Such aggressive immigration enforcement efforts have resulted in an uptick in immigration-enforcement-related deaths, including the January 24, 2026, shooting of Alex Pretti by U.S. Customs and Border Protection (CBP) officers.¹¹ Recent reporting found that it is the deadliest year for those in immigration detention in over two decades.¹² Since October 23rd, 2025, more people have died in ICE custody than in the entire prior fiscal year.¹³ The rapid increase in immigration arrests has contributed to overcrowding, unsanitary conditions, and issues related to healthcare and food access in detention centers.¹⁴

The increase in federal immigration enforcement under the Trump Administration has also been associated with aggressive federal recruitment efforts, including efforts to recruit California peace officers to join federal immigration agencies.¹⁵ 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.¹⁶ This has raised concerns that this may lead some California peace officers to leave their roles to pursue employment in federal immigration enforcement.

- 3) **The California Values Act:** The California Values Act, which became effective on January 1, 2018, limits the involvement of state and local LEAs in federal immigration enforcement. It prohibits LEAs from using resources to investigate, interrogate, detain, detect, or arrest people for immigration enforcement purposes. Prohibited cooperative activities include: 1) inquiring into an individual's immigration status; 2) detaining a person based on an ICE hold request; 3) providing information regarding a person's release date, except for persons convicted of specified crimes; 4) providing personal information about an individual; 5) participating in arrests based on civil immigration warrants; 6) participating in border patrol activities; 7) performing the functions of an immigration agent; 8) placing peace officers under federal agency supervision for purposes of immigration enforcement; 9) using ICE agents as interpreters for law enforcement matters, as specified; 10) transferring an individual to immigration authorities, as specified, unless authorized by a judicial warrant or the person has been convicted of specified crimes; 11) providing office space exclusively for immigration authorities; and 12) contracting with the federal government for use of LEA facilities to detain non-citizens for civil immigration custody purposes. (Gov. Code, § 7284.6, subd. (a).)

⁹ Bill Hutchinson, *LA protests timeline: How ICE raids sparked demonstrations and Trump to send in the military*, ABC News (June 11, 2025), available at: <https://abcnews.go.com/US/timeline-ice-raids-sparked-la-protests-prompted-trump/story?id=122688437>.

¹⁰ Fry and Uzcategui-Ligget, *Immigration Arrests surge by 1,500% in San Diego: 'I feel the temperature rising'*, Cal Matters (Jan. 29, 2026), available at: <https://calmatters.org/justice/2026/01/san-diego-immigration-arrest-surge/>

¹¹ David McSwane, *Two CBP Agents Identified in Alex Pretti Shooting*, ProPublica (Feb. 1, 2026), available at: <https://www.propublica.org/article/alex-pretti-shooting-cbp-agents-identified-jesus-ochoa-raymundo-gutierrez>

¹² Bustillo and Mukherjee, *Immigration detention on track for deadliest fiscal year since 2004*, NPR (March 10, 2026), available at: <https://www.npr.org/2026/03/10/g-s1-111238/immigration-detention-deaths-custody>

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ Sharp, et.al., *ICE offers big bucks – but California police officers prove tough to poach*, Los Angeles Times (Sept. 22, 2025), available at: <https://www.latimes.com/california/story/2025-09-22/ice-poaching-cops>

¹⁶ Ray and Sanchez, *ICE expansion has outpaced accountability. What are the remedies?* Brookings (Jan. 26, 2026), available at: <https://www.brookings.edu/articles/ice-expansion-has-outpaced-accountability-what-are-the-remedies/>

The Values Act contains several exceptions that permit LEAs to cooperate with immigration authorities to the extent such cooperation would not violate federal, state, or local law. (Gov. Code, § 7282.5.) Additionally, LEAs have discretion to transfer an individual to immigration authorities or provide ICE with information about an in-custody individual's release date for individuals arrested or convicted for certain crimes. (Gov. Code, § 7282.5, subds. (a)(1) & (2), (b).) Phrased differently, California state and local LEAs are permitted to engage in certain types of immigration enforcement. As a result, this bill exempts individuals who engage in this type of permissible immigration enforcement at California LEAs.

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

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

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

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

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

That is, peace officer applicants must already be vetted for moral character, and there is already an avenue to disqualify persons who have committed misconduct who were previously employed in law enforcement in any state or by the federal government. That said, it may be difficult to enforce this basis for disqualification if the previous law enforcement employer does not make efforts to hold their officers accountable for misconduct or maintain records of such misconduct.

- 6) **Effect of this Bill:** This bill disqualifies any person previously employed by an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, from being employed as a peace officer. Similarly, it establishes a new minimum standard for each class of public officers or employees declared by law to be peace officers, which requires that such

persons be free of previous employment with an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029. This creates a new disqualifying category that is strictly tied to a person's prior employment with an employer that engages in immigration enforcement during a specified period of time. This bill would not apply to individuals who engaged in immigration enforcement at state and local LEAs, such as a local law enforcement agency, a California law enforcement agency, and CDCR. The intent of this exemption appears to be to avoid disqualifying California law enforcement officers who only engage in immigration enforcement to the extent permitted by the California Values Act and other provisions of law that permit such agencies to assist with federal immigration enforcement efforts.

This disqualification requirement applies to “any person previously employed by an entity that engaged in immigration enforcement” during a specified period of time. Immigration enforcement means any efforts to investigate or enforce federal civil immigration law, including investigating or enforcing any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the U.S. This is largely the same definition utilized in the California Values Act, except it does not include efforts to “assist” in the investigation or enforcement of federal immigration law. (Gov. Code, § 7284.4, subd. (f).) This bill does not require that an employee themselves engage in immigration enforcement; disqualification only requires that their employing entity engage in immigration enforcement. This can be expected to broadly disqualify individuals employed by federal agencies that engage in immigration enforcement, such as the ICE and CBP, as well as any other DHS component agencies that engage in immigration enforcement, such as the U.S. Coast Guard.¹⁷

It is unclear if this bill is intended to disqualify only those persons actually employed by a prohibited entity during the disqualifying time period. As currently drafted, this bill could be interpreted to disqualify a person previously employed by an entity that engaged in immigration enforcement during the disqualifying time period, even if that employee was not themselves employed during the disqualifying time period. The language disqualifies “any person previously employed by an entity that engaged in immigration enforcement on or after January 20, 2025, to January 20, 2029” from becoming a peace officer. The disqualifying time period of January 20, 2025, to January 20, 2029, could be interpreted to govern whether the entity engaged in immigration enforcement at that time, not whether the person was employed by the entity during this time. This could be interpreted to disqualify every person employed by an entity that engaged in immigration enforcement during the disqualifying time period, even if that employment occurred long before or after the type of immigration enforcement that has taken place in President Trump's second term.

This may also disqualify employees of law enforcement agencies in other states. The only law enforcement entities exempt from this bill are California LEAs. As previously noted, California LEAs do engage in certain degrees of immigration enforcement. While California LEAs that engage in immigration enforcement to the extent permitted by California law are exempt from this bill, this bill may disqualify persons employed by LEAs in other states that cooperate with federal immigration enforcement efforts. This would be the case even if those

¹⁷ United States Coast Guard, *Maritime Law Enforcement* (accessed April 12, 2026), available at: https://www.mycg.uscg.mil/About-Us/Our-Organization/Missions/Maritime_Law_Enforcement/

out-of-state law enforcement agencies only engage in the same limited type of immigration enforcement that California LEAs may conduct. For example, a police officer currently employed by a Texas police department, where that department cooperates with federal immigration enforcement in the same manner as California LEAs, who subsequently moves to California, may be disqualified by this bill.

This bill also disqualifies an employee who did not engage in any misconduct or who did not serve in a law enforcement capacity. For example, this bill applies equally to an ICE agent who repeatedly utilizes excessive force during immigration arrests as to a U.S. Coast Guard employee whose responsibilities are purely administrative and do not involve any law enforcement field work. It would similarly disqualify a U.S. Coast Guard employee actively looking to change jobs or an ICE supervisor attempting to hold rank-and-file immigration agents accountable for their misconduct. The employer-dependent nature of this disqualification, irrespective of whether the person engaged in criminal behavior or misconduct, is somewhat inconsistent with the existing basis for peace officer disqualification, which generally requires a felony conviction, felony conduct, a disqualifying mental state, or specified misconduct. (Gov. Code, § 1029, subd. (a) (1)-(11).) To avoid disqualifying individuals who have engaged in no wrongdoing, the author may wish to narrow the bill to law enforcement officers who engage in misconduct.

The disqualifying time period also raises some issues. This bill would disqualify a person previously employed by an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, from being employed as a peace officer. This time period covers the entirety of President Trump's second term. This includes periods of employment prior to the potential January 1, 2027, effective date of this bill. Establishing such a narrow disqualifying time constraint, irrespective of a given employee's conduct, may contribute to disparate treatment of potential peace officer applicants. For example, this bill would not disqualify a person who used excessive force at an entity that engaged in immigration enforcement prior to the disqualifying time period, but could disqualify a newly-hired peace officer hired this month by an out-of-state police department that cooperates with federal immigration enforcement efforts. The author may wish to remove these narrowly defined time periods and apply the bill prospectively.

This bill contains similar provisions that disqualify a person previously employed by an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, from public employment more generally, subject to the same exemptions. Because this bill was also referred to the Committee on Public Employment and Retirement, this analysis discusses only the provisions of the bill pertaining to public safety.

- 7) **Constitutional Concerns:** This bill raises several legal questions. First, this bill disqualifies a person employed by an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, while specifically excluding employees of state and local LEAs that engage in limited immigration enforcement; therefore, it may be subject to a legal challenge under the Supremacy Clause.

State laws that conflict with federal laws or attempt to regulate the federal government may be invalidated for several reasons. The Supremacy Clause of the U.S. Constitution provides that federal law "shall be the supreme Law of the Land; and the Judges in every State shall be

bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” (U.S. Const., art. VI, cl. 2.)

The doctrine of intergovernmental immunity is derived from the Supremacy Clause of the Constitution. Intergovernmental immunity demands that “the activities of the Federal Government are free from regulation by any state.” (*United States v. California* (9th Cir. 2019) 921 F.3d 865, 878 (citations omitted).) This makes a state regulation invalid if it “regulates the United States directly or discriminates against the Federal Government or those with whom it deals.” (*N.D. v. United States* (1990) 495 U.S. 423, 435); *Boeing Co. v. Movassaghi* (9th Cir. 2014) 768 F.3d 832, 839.) This prohibition against directly regulating the federal government prohibits states from “interfering with or controlling the operations of the Federal Government.” (*United States v. Washington* (2022) 596 U.S. 832, 838.) In contrast, “A state or local law discriminates against the federal government if it treats someone else better than it treats the government.” (*Boeing, supra*, 768 F.3d at p. 842, quoting *United States v. City of Arcata* (9th Cir. 2010) 629 F.3d 986, 991.) Notably, “any discriminatory burden on the federal government” is prohibited. (*United States v. California, supra*, 921 F.3d at p. 880) (emphasis in original).) However, generally applicable state laws can apply to federal entities. (See *Johnson v. Maryland*, 254 U.S. 51, 56 (1920); *N.D, supra*, 495 U.S. at pp. 435-438; *United States v. Washington, supra*, 596 U.S. at p. 839.)

A related doctrine is conflict preemption, whereby state laws that conflict with federal law are preempted. (*U.S. v. California, supra*, F.3d at pp. 878-879.) “This includes cases where compliance with both federal and state regulations is a physical impossibility, and those instances where the challenged state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.” (*Arizona v. United States*, 567 U.S. 387, 399 (2012).) For example, in *United States v. California* (2019) 921 F.3d 865, the Ninth Circuit Court of Appeals upheld the provisions of the California Values Act relating to law enforcement cooperation with ICE. The court of appeals had “no doubt that SB 54 makes the jobs of federal immigration authorities more difficult.” (*Id.* at p. 886.) But the court concluded that “this frustration does not constitute obstacle preemption,” because federal law “does not require any particular action on the part of California or its political subdivisions.” (*Id.* at p. 889.) “Even if SB 54 obstructs federal immigration enforcement,” the court stated, “the United States’ position that such obstruction is unlawful runs directly afoul of the Tenth Amendment and the anticommandeering rule.” (*Id.* at p. 888.) “California has the right, pursuant to the anticommandeering rule, to refrain from assisting with federal efforts.” (*Id.* at p. 891.) The court concluded that SB 54 does not violate the United States’ intergovernmental immunity for similar reasons. (*Ibid.*)

Here, this bill exempts California state and local LEAs that engage in immigration enforcement, while applying to federal and out-of-state entities that engage in immigration enforcement, which could lead to a lawsuit alleging discrimination against the federal government in violation of intergovernmental immunity. The targeted approach of this bill, and its creation of disqualification based on employment during President Trump’s second term, could lead a court to find this bill is targeted at the federal immigration enforcement efforts.

On the other hand, it could be argued that this bill is intended to generally disqualify individuals based on their association with severe immigration enforcement conduct, and the exemption for California LEAs only exists because such agencies engage in lesser forms of

immigration enforcement, such as transferring individuals to immigration authorities or providing ICE with information about an in-custody individual's release date for individuals convicted for certain crimes. (Gov. Code, § 7282.5, subs. (a) (1) & (2), (b).)

However, confining the scope of the disqualification to the term of a particular U.S. President may undermine an argument that this law is non-discriminatory and generally applicable. While this bill pertains to eligibility to become a California peace officer and may not control or interfere with federal operations, under intergovernmental immunity, “any discriminatory burden on the federal government” is prohibited. (*United States v. California, supra*, 921 F.3d at p. 880) (emphasis in original). An ICE officer who subsequently seeks and is disqualified from peace officer employment in California could bring a discrimination-based Supremacy Clause challenge against this bill. A claim that this restriction on the future employment prospects of ICE agents rises to the level of directly regulating the federal government or constitutes obstacle preemption is possible, albeit less likely, given that this bill is unlikely to directly impact current federal immigration enforcement operations.

This bill may additionally raise constitutional concerns relating to procedural due process. The disqualifying time periods by this bill apply to periods of employment before this bill would become effective. Specifically, it disqualifies a person previously employed by an entity that engaged in immigration enforcement from January 20, 2025, to January 20, 2029, from being employed as a peace officer. As previously noted, this bill also does not clearly require that the person was themselves employed during the disqualifying time period, and therefore could be interpreted to apply to individuals employed by public entities long before this disqualifying time period, as long as their employing entity engaged in immigration enforcement between 2025 and 2029. This may disqualify individuals currently serving as peace officers, without sufficient procedural due process.

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

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

As previously noted, this bill establishes a certain degree of disparate treatment among potential peace officer applicants. For example, this bill would not apply to a person who previously used excessive force or engaged in racial profiling at an entity that engaged in immigration enforcement outside of the disqualifying time period, but could disqualify a non-law enforcement employee who was hired last month. Such differential treatment of peace officer applicants, irrespective of their conduct, makes this bill vulnerable to an Equal Protection claim. While the purpose of this bill is well-intentioned, the rational basis of disqualifying a peace officer applicant purely based on their employer, during a narrow period of time, and regardless of whether that applicant committed any wrongdoing, could be questioned in an Equal Protection claim by a disqualified peace officer applicant.

- 8) **Argument in Support:** According to the *Coalition for Humane Immigrant Rights*, “Since the start of President Trump’s second term, immigration enforcement agencies such as the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP) 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 with no notice, no 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. 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.

“AB 1896 will disqualify anyone who has engaged in immigration enforcement activity from January 1, 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 SB 54, the California Values Act (2017).

“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.”

- 9) **Argument in Opposition:** According to the *Peace Officers Research Association of California*, “AB 1896 would disqualify individuals from serving as peace officers or holding public employment based solely on prior employment with an entity engaged in immigration enforcement between January 20, 2025, and January 20, 2029. This disqualification is not based on misconduct, training deficiencies, or lack of qualifications, but rather on prior lawful employment.

“California already maintains rigorous, merit-based standards for peace officer hiring, including requirements related to good moral character, background investigations, and training. AB 1896 departs from these established standards by imposing a categorical disqualification without regard to an individual’s conduct, qualifications, or fitness for service.

“At a time when law enforcement agencies across California are facing significant recruitment and retention challenges, this bill unnecessarily restricts the pool of qualified candidates. This impact is not theoretical and will directly affect staffing levels and service delivery in communities across the state. Policies that exclude individuals based on prior lawful employment do not enhance public safety and instead risk limiting agencies’ ability to effectively serve their communities.

“AB 1896 also sets a concerning precedent by introducing a disqualifier unrelated to job performance or professional standards, rather than relying on objective, merit-based criteria to evaluate candidates.”

10) **Related Legislation:**

- a) AB 1627 (Ávila Farías) would disqualify a person previously employed by ICE or specified out-of-state corrections departments, during specified time periods, from being employed as a peace officer. AB 1627 is being heard in this Committee today.
- b) SB 938 (Menjivar) would disqualify a person from being a peace officer if they were previously employed by an entity that assists in immigration enforcement, as defined, after January 20, 2025, except as specified. SB 938 is being heard in the Senate Public Safety Committee today.
- c) SB 1332 (Gonzalez) would make a person ineligible for appointment to, or employment in, any civil service or exempt position with the state if the person has been employed by ICE during the period beginning January 20, 2025, and ending January 20, 2029, among other changes. SB 1332 is pending a hearing in the Senate Committee on Labor, Public

Employment, and Retirement.

11) Prior Legislation:

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

REGISTERED SUPPORT / OPPOSITION:**Support**

California Public Defenders Association
California State Council of Service Employees International Union
Coalition for Humane Immigrant Rights
Courage California
Initiate Justice
Inland Coalition for Immigrant Justice
Justice2jobs Coalition
LA Defensa
Los Angeles County Democratic Party
Viet Voices

Opposition

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of Highway Patrolmen
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Reserve Peace Officers Association
California State Sheriffs' Association
City of Newport Beach
Claremont Police Officers Association
Corona Police Officers Association
Fullerton Police Officers' Association
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside County Sheriff's Office
Riverside Police Officers Association
Riverside Sheriffs' Association
Upland; City of

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