

ASSEMBLY THIRD READING  
AB 1896 (Mark González and Rivas)  
As Amended April 14, 2026  
Majority vote

## 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.

### Major Provisions

- 1) With certain exceptions, disqualify 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.
  - b) A local law enforcement agency pursuant to existing law relating to standards for participation in U.S. ICE enforcement programs.
  - c) A California law enforcement agency, and the Department of Correction and Rehabilitation (CDCR), as provided.
- 2) Amend 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.
- 3) Amend 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 prohibit nor restrict 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) Define "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, among other terms expressly defined.

6) Include a severability clause to shield otherwise valid provisions from becoming invalid.

## COMMENTS

### *Brief 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 one million annual deportations.<sup>1</sup> On January 20, 2025, the President issued an order titled "Protecting the American People Against Invasion."<sup>2</sup>

Immigration arrests have significantly increased since President Trump's second term began.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup> This has raised concerns that this may lead some California peace officers to leave their roles to pursue employment in federal immigration enforcement.

### *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>7</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

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<sup>1</sup> 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>

<sup>2</sup> 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/>

<sup>3</sup> 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>

<sup>4</sup> 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>

<sup>5</sup> 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>

<sup>6</sup> 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/>

<sup>7</sup> Also see, *"Fired by the federal government? California may have a job for you."* The Sacramento Bee, April 6, 2025.

demonstrated a deficiency in moral character or behavior sufficient to disqualify them from California's public service workforce.

### *Constitutional Considerations*

State laws that conflict with federal laws or attempt to regulate the federal government may be invalidated for several reasons. The Supremacy Clause of the U.S. Constitution provides that federal law "shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." (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.*)

This bill may raise constitutional concerns relating to procedural due process. The disqualifying time periods prescribed in this bill apply to periods of employment before it would become effective. Although it is well established that a statute enacted by the Legislature applies and

operates prospectively unless it expressly states retrospective application and operation, because of the prescribed timeframes in this bill, it could also disqualify individuals currently employed in California's public sector without sufficient procedural due process to protect their property or liberty interests. (*Morrissey v. Brewer* (1972) 408 U.S. 471, 481; *Bd. of Regents v. Roth* (1972) 408 U.S. 564, 576-577, and *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, 215–216, inter alia.)

Further, disqualifying employment applicants or employees 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., Section 1.) The California Constitution contains a substantially similar provision. (Cal. Const., art. I, Section 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.)

Please refer to the policy committee analyses for a full discussion of this bill.

### **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. [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."

### **Arguments in Support**

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.

### **Arguments in Opposition**

Various 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.

### **FISCAL COMMENTS**

According to the Assembly Committee on Appropriations, this bill would result in ongoing General Fund costs of an unknown amount, possibly in the hundreds of thousands to millions dollars annually, for state and local public employers, collectively statewide, to verify employment history of prospective employees. To the extent this is a level of verification public employers were not undertaking previously, these costs could constitute a reimbursable state mandate, subject to a decision by the Commission on State Mandates.

### **VOTES**

#### **ASM PUBLIC EMPLOYMENT AND RETIREMENT: 5-1-1**

**YES:** McKinnor, Boerner, Garcia, Nguyen, Michelle Rodriguez

**NO:** Lackey

**ABS, ABST OR NV:** Alanis

#### **ASM PUBLIC SAFETY: 7-2-0**

**YES:** Schultz, Mark González, Haney, Harabedian, Nguyen, Ramos, Sharp-Collins

**NO:** Alanis, Lackey

#### **ASM APPROPRIATIONS: 11-4-0**

**YES:** Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

**NO:** Hoover, Dixon, Ta, Tangipa

### **UPDATED**

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