SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No:	AB 1896	**Hearing Date:**	June 23, 2026
Author:	Mark González		
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Urgency:	No	**Fiscal:**	Yes
Consultant:	AB		

Subject: ***Public employment: disqualifications***

HISTORY

Source: Author

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

Support: California Faculty Association; California Public Defenders Association; Coalition for Human Immigrant Rights; Ella Baker Center for Human Rights; Justice2Jobs; La Defensa; SEIU California

Opposition: California Association of Highway Patrolmen; California Police Chiefs Association; California State Sheriffs Association; Peace Officers Research Association of California

Assembly Floor Vote: 53 - 21

PURPOSE

The purpose of this bill is to disqualify a person from becoming a peace officer in California if they were previously employed by an entity that engages in immigration enforcement between January 20, 2025 and January 20, 2029, except as specified.

Existing federal law provides that the Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding. (U.S. Const., art. VI.)

Existing federal law states that notwithstanding any provision of federal, state, or local law, no state or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of an alien in the United States. (8 USC § 1644.)

Existing federal law provides that a federal, state or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service (INS) information regarding the citizenship or immigration status, lawful or unlawful, of any individual. (8 U.S.C. § 1373.)

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

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

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

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

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

- Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct.
- Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest.
- Physical abuse, including, but not limited to, the excessive or unreasonable use of force.
- Sexual assault.

- Demonstrating bias on the basis of race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee's rights under the First Amendment to the United States Constitution.
- Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by POST.
- Participation in a law enforcement gang.
- Failure to cooperate with an investigation into potential police misconduct.
- Failure to intercede when present and observing another officer using force that is clearly beyond what is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject. (Pen. Code, § 13510.8, subd. (b).)

Existing law provides that if a public employee is convicted of any felony involving accepting or giving, or offering to give, any bribe, conflict of interest, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes arising directly out of their official duties as a public employee, the public employee shall be disqualified for five years from any public employment, including, but not limited to, employment with a city, county, district, or any other public agency of the state, as specified. (Gov. Code, § 1021.5.)

Existing law provides that a person is ineligible to hold office or employment of any kind under the State, any county, city, district or other political or governmental unit of the State if he, while either a citizen or resident of the United States, has by oath bound himself to support, maintain or further the military or political activities or policies of any foreign government or of any official thereof or society or association therein or to obey the orders or directions of any foreign government or of any official thereof. (Gov. Code, § 1023.)

This bill provides that a person is categorically disqualified from public employment, including, but not limited to, employment with a city, county, district, or any other public agency of the state, because they were previously employed by an entity that engaged in immigration enforcement on or after January 20, 2025, to January 20, 2029, inclusive.

This bill specifies that a person shall not be disqualified as provided above if they were engaged in immigration enforcement at any of the following public entities (hereinafter, "qualifying public entities"):

- A local agency, as specified.
- A local law enforcement agency, as specified.
- A California law enforcement agency, as specified.
- The Department of Corrections and Rehabilitation (CDCR).

Existing law provides that the California Department of Human Resources (Cal HR) is generally responsible for developing eligibility lists for positions within the civil service comprising California state government, which shall be established as a result of free competitive examinations open to persons who lawfully may be appointed to any position within the class for

which these examinations are held and who meet the minimum qualifications requisite to the performance of the duties of that position as prescribed by the specifications for the class or by rule. (Gov. Code, §§ 18900 et. seq.)

Existing law authorizes Cal HR or a designated appointing power to refuse to examine, or after examination refuse to declare as eligible, or withhold or withdraw from an eligible list, before the appointment, anyone who meets the following criteria:

- Lacks any of the requirements for the examination or position for which he or she applied.
- Has been dismissed from any position for any cause that would be a cause for dismissal from state service.
- Has resigned from any position not in good standing in order to avoid dismissal.
- Has misrepresented himself or herself in the application or examination process, including permitting another person to complete or attempt to complete a portion of the examination on his or her behalf.
- Has been found to be unsuited or not qualified for employment pursuant to rule.

This bill provides that Cal HR or a designated appointing power may additionally 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 found to have been previously employed by an entity that engaged in immigration enforcement on or after January 20, 2025, to January 20, 2029, inclusive.

This bill provides that Cal HR or a designated appointing power shall not refuse to examine, or after examination shall not refuse to declare as eligible, or shall not withhold or withdraw from an eligible list, before the appointment, anyone who was engaged in immigration enforcement at any of the qualifying public entities listed above.

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

Existing law 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).)

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

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

- They be legally authorized to work in the United States under federal law.
- Be 18 years of age or older.
- Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose a criminal record.

- Be of good moral character, as determined by a thorough background investigation.
- Be a high school graduate, pass the General Education Development Test or other high school equivalency test, or have attained a two-year, four-year, or advanced degree from an accredited college or university, as specified.
- Be found to be free of any physical, emotional, or mental condition including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of the powers of a peace officer. (Gov. Code, § 1031.)

This bill provides that each class of public officers or employees declared by law to be peace officers shall additionally be found to be free of previous employment with an entity that engaged in immigration enforcement on or after January 20, 2025, to January 20, 2029, inclusive, unless they were involved in immigration enforcement with a qualifying public entity.

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

- Any person who has been convicted of a felony.
- Any person who has been convicted of any offense in any other jurisdiction which would have been a felony if committed in this state.
- Any person who has been discharged from the military for committing an offense, as adjudicated by a military tribunal, which would have been a felony if committed in this state.
- Any person who has been convicted of a crime based upon a verdict or finding of guilt of a felony by the trier of fact, or upon the entry of a plea of guilty or nolo contendere to a felony.
- Any person who has been charged with a felony and adjudged by a superior court to be mentally incompetent
- Any person who has been found not guilty by reason of insanity of any felony.
- Any person who has been determined to be a mentally disordered sex offender.
- Any person adjudged addicted or in danger of becoming addicted to narcotics, convicted, and committed to a state institution.
- Any person convicted or adjudicated to have committed a crime involving moral turpitude, as specified.
- Any person that has been issued a peace officer certificate by POST and had that certification revoked or an application for certification denied.
- Any person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or any other database designated by the federal government whose certification as a law enforcement officer in that jurisdiction was revoked for misconduct, or who, while employed as a law enforcement officer, engaged in serious misconduct that would have resulted in their certification being revoked by the commission if employed as a peace officer in this state. (Gov. Code, § 1029, subd. (a).)

Existing law 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).)

Existing law 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).)

This bill additionally disqualifies from peace officer employment in California any person previously employed by an entity that engaged in immigration enforcement on or after January 20, 2025, to January 20, 2029, inclusive, unless they were engaged in immigration enforcement with a qualifying public entity.

This bill 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.

This bill provides that none of its provisions prohibit 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, pursuant to federal law.

COMMENTS

1. Need for 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. AB 1896, the GTFO or Get the Feds Out Act 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 on Recent Immigration Enforcement Operations

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

On the day of his second inauguration, President Trump issued more than a dozen executive actions aimed at realizing his ambitious mass detention and deportation agenda. Among them was a proclamation titled "Guaranteeing the States Protection Against Invasion," in which he cited the flow of migrants across the southern border of the United States as a justification for invoking constitutional authority to protect each of the states against invasion, and thereby expanded the authority and discretion of the Department of Defense and the Department of Homeland Security to carry out immigration-related functions.[3] He also signed Executive Order 14159 with the familiar sounding title "Protecting the American People Against Invasion," which provides that "[i]t is the policy of the United States to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people. Further, it is the policy of the United States to achieve the total and efficient enforcement of those laws, including through lawful incentives and detention capabilities."[4] Notable provisions of EO 14159 include: 1) directing the Department of Homeland Security (DHS) to set enforcement priorities, emphasizing criminal histories; 2) establishing Homeland Security Task Forces in each state; 3) requiring all noncitizens to register with DHS, with civil and criminal penalties for failure to register; 4) directing DHS to collect all civil fines and penalties from undocumented individuals, such as for unlawful entry or attempted unlawful entry; 5) expanding the use of expedited removal; 6) building more detention facilities; 7) encouraging federal/state cooperation, as specified; 8) encouraging voluntary departure, as specified; 9) limiting access to humanitarian parole and Temporary Protected Status; 10) directing the U.S. AG and DHS to ensure that "sanctuary" jurisdictions do not receive access to federal funds; 11) reviewing federal grants to non-profits assisting undocumented persons and denying public benefits to undocumented persons; and 12) hiring more U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) officers.[5]

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[1] "Sweeping Raids, Giant Camps and Mass Deportations: Inside Trump's 2025 Immigration Plans." *New York Times*. 11 November 2023. https://www.nytimes.com/2023/11/11/us/politics/trump-2025-immigration-agenda.html
[2] "A Donald Trump mass deportation of immigrants would cost hundreds of billions, report says." *Sacramento Bee*. 2 October 2024. https://www.sacbee.com/news/politics-government/capitol-alert/article293359389.html
[3] Proclamation 10888. 20 January 2025. 90 Fed. Register 8333-8336; U.S. Const., art. IV, § 4.
[4] Executive Order 14159. 20 January 2025. 90 Fed. Register 8443. https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/
[5] *Ibid.*

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

The Trump Administration's ramp-up of immigration enforcement has been accompanied by aggressive recruitment efforts, including attempts by federal immigration agencies to lure state peace officers.[11] ICE has taken steps to significantly expand hiring, such as giving out $50,000 signing bonuses, offering student loan forgiveness, lowering the age limit for recruits from 21 to 18, and waiving the 37-year-old hiring cap, among others.[12] But amid this hiring surge, evidence has surfaced that ICE had misrepresented the rigor of its training for new officers, including legal training over whether they are permitted to use deadly force. According to a recent whistleblower account, training for new officers has been pared down to the point where it is "deficient, defective and broken."[13] Moreover, a recent review by the Associated Press found that at least two dozen ICE employees and contractors have been charged with crimes since 2020, including 9 such instances in 2025 alone.[14] According to the report, while most cases happened before the passage of the OBB Act, "experts say such crimes could accelerate given

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

[7] M. Lee, AP News, *Immigration Officials Defend Authority to Hold Migrants at Guantanamo Bay*, March 10, 2025, https://apnews.com/article/us-immigration-detention-guantanamo-bay-d4fe8f0d051e0cd7e3f04ce02c8e7564; M. Aleman, AP News, *Venezuelan Migrants Deported by the US Ended up in a Salvadoran Prison. This is Their Legal Status*, March 25, 2025, https://apnews.com/article/el-salvador-trump-tren-de-aragua-venezuela-dde4259e5dcd502101b7b8fbd3c03659

[8] "ICE Budget Now Bigger Than Most of the World's Militaries." *Newsweek*. 2 July 2025. https://www.newsweek.com/immigration-ice-bill-trump-2093456

[9] "Explainer: One Big Beautiful Bill Act: Immigration Provisions." *Immigration Forum*. 7 July 2025. https://forumtogether.org/article/one-big-beautiful-bill-act-immigration-provisions/

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

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

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

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

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

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

3. Existing Peace Officer Prerequisites and Effect of This Bill

Becoming a peace officer in California is a relatively rigorous process, requiring candidates to meet a range of minimum standards. Under existing law, prospective peace officers must be legally authorized to work in the United States under federal law, be 18 years of age or older, pass a background check, and be of good moral character, as determined by a thorough background investigation.[16] Regarding educational requirements, while existing law requires peace officer candidates to have at least a high school diploma, recent legislation (AB 992 (Irwin), Chapter 175, Statutes of 2025) requires most classes of peace officers, commencing January 1, 2031, to obtain either an associate's degree, a bachelor's degree, a newly-created "modern policing degree," or a "professional policing certificate" within 36 months of receiving their basic certificate from POST.[17] Additionally, prospective peace officers must found to be free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of the powers of a peace officer, as evaluated by a licensed physician for the physical fitness aspect and a specified psychiatric specialist or psychologist for the mental and emotional aspects.[18] Regarding educational requirements, while existing law requires peace officer candidates to have at least a high school diploma, recent legislation (AB 992 (Irwin), Chapter 175, Statutes of 2025) requires most classes of peace officers, commencing January 1, 2031, to obtain either an associate's degree, a bachelor's degree, a newly-created "modern policing degree," or a "professional policing certificate" within 36 months of receiving their basic certificate from POST.[19]

A newer feature of California's process for vetting prospective and current peace officers is POST's mandatory certification process, created by SB 2 (Bradford, Ch. 409, Stats. of 2021.) Under SB 2, POST administers an extensive certification program for peace officers, who must receive a proof of eligibility and a basic certificate in order to serve in that capacity.[20] Additionally, SB 2 provides a mechanism by which POST may investigate and review allegations of "serious misconduct" against an officer, where "serious misconduct" is defined to include a host of behaviors unbecoming a peace officer, such as dishonesty, abuse of power, criminal behaviors, demonstration of bias, participation in a law enforcement gang, and others.[21] After a lengthy review and investigation process, POST has the discretion to issue a certificate to a prospective officer, or to suspend or revoke an existing officer's certification, also known as "decertification." Under existing law, law enforcement agencies are required to report a range of personnel actions to POST for their review, including the hiring of any officer.[22]

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[15] *Ibid.*
[16] Gov. Code, §§ 1030, 1031, subds. (a)-(d).
[17] Gov. Code, § 1031.5; these new educational standards require prospective peace officers to complete at least 16 semester units or 24 quarter units of education beyond the current requirement of a high school diploma.
[18] Gov. Code, § 1031, subd. (f).
[19] Gov. Code, § 1031.5; these new educational standards require prospective peace officers to complete at least 16 semester units or 24 quarter units of education beyond the current requirement of a high school diploma.
[20] Pen. Code § 13510.1; for more information on certification, see https://post.ca.gov/Certification
[21] The full list is codified at Pen. Code, § 13510.8, subd. (b)(1)-(9).
[22] Pen. Code, §§ 13510.1, 13510.7, 13510.8, 13510.85, 13510.9.

In addition to the minimum standards and required certification described above, certain factors disqualify a person from becoming a peace officer, including a host of outcomes related to the commission of a felony crime, including a felony conviction or the commission of an offense in another jurisdiction which would be a felony if committed in this state; military discharge for an offense which would be a felony if committed in this state; and conviction for a felony even if the court reduces the offense to a misdemeanor or the offense becomes a misdemeanor by operation of law.[23] Also disqualified are individuals who were charged with a felony but found mentally incompetent to stand trial or not guilty by reason of insanity, individuals adjudged to be mentally disordered sex offenders, individuals adjudged to be addicted or in danger of becoming addicted to narcotics, and individual convicted of, or adjudicated through specified administrative, military or civil judicial processes as having committed certain crimes involving moral turpitude and other crimes against public justice.[24]

Finally, existing law disqualifies any person who 1) has received a POST certification and either surrendered the certification or had it revoked, 2) has met the minimum requirements for the issuance of a certification but nonetheless was denied certification by POST, and 3) any person previously employed in law enforcement in any state or by the federal government, whose name is listed in the National Decertification Index or any other database designated by the federal government whose certification as a law enforcement officer in that jurisdiction was revoked for misconduct, or who, while employed as a law enforcement officer, engaged in serious misconduct that would have resulted in decertification by POST if employed as a peace officer in this state.[25]

This bill amends two of the provisions above to effectively ban an individual from becoming a peace officer if they were previously employed by an entity that engaged in immigration enforcement between January 20, 2025 (when President Trump's second term began) and January 20, 2029 (when his second term will end). Specifically, the bill adds this prior employment status to the list of crime and decertification-related conditions that disqualify an individual from becoming a peace officer. The bill also provides that, just as prospective peace officers must be found to be free from any condition that might adversely affect the exercise of the powers of a peace officer, such individuals must "be found to be free of previous employment with an entity that engaged with immigration enforcement" during the timeframe specified above. This is a particularly strange statutory construction, and potentially redundant given that the bill already disqualifies an individual for engaging in immigration enforcement during the specified timeframe. Additionally, although this provision requires the prospective officer to "be found to be free of" the disfavored previous employment, there is nothing in the bill requiring a person or entity to make that finding, raising a question as to how such a prerequisite is to be implemented.

More generally, the wording of the bill's central prohibition raises questions regarding the category of individuals to whom the bill applies. That is, this prohibition applies to "any person previously employed by an entity that engaged in immigration enforcement" during the specified timeframe, which means that a person employed by ICE, for instance, in the early 2000s, or even well into the future, would fall under this prohibition because ICE, the entity, engaged in immigration enforcement between January 20, 2025, and January 20, 2029. Similarly, this bill may function to disqualify individuals employed as peace officers in other states that wish to

[23] Gov. Code, § 1029, subd. (a)(1)-(4).
[24] Gov. Code, § 1029, subd. (a)(5)-(9).
[25] Gov. Code, § 1029, subd. (a)(10)-(11).

move to California and seek similar employment, as the bill's exemptions (discussed below) only apply to California peace officers who assist in immigration enforcement pursuant to state law.

Moreover, this prohibition would apply to individuals who may not have personally been involved in immigration enforcement efforts – such as clerical or IT staff – as long as their employing agency engaged in such efforts. This issue is compounded by the fact that the Trump Administration is employing a "whole of government" approach to immigration, enlisting nearly every major Cabinet-level agency in enforcement efforts.[26] For instance, after a recently lawsuit, the federal Department of Health and Human Services (HHS) was authorized to resume sharing Medicaid data with deportation officers – does this qualify as "immigration enforcement" agency for the purposes of this bill?[27] If so, should an HHS employee that plays only a ministerial role in processing that data be barred from being a peace officer in California? More generally, should the bill's disqualification provision apply to any employee of a federal agency that is not traditionally involved in immigration enforcement?

California law includes several limitations on how local jurisdictions and law enforcement agencies may assist federal authorities in immigration enforcement efforts, most notably the California Values Act, which generally prohibits law enforcement agencies from using resources to investigate, interrogate, detain, detect, or arrest people for immigration enforcement purposes.[28] However, these provisions also include several exceptions that permit local jurisdictions and law enforcement agencies to cooperate with immigration authorities to the extent such cooperation would not violate federal, state, or local law.[29] Given this authorized cooperation with federal immigration authorities, the bill exempts from its prohibitions California officers who engage in such cooperation and assistance in accordance with California law.

4. Constitutional Considerations

State laws that conflict with federal laws or attempt to regulate the federal government may be invalided 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."[30] The doctrine of intergovernmental immunity is derived from the Supremacy Clause of the Constitution, and demands that "the activities of the Federal Government are free from regulation by any state."[31] 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."[32] Whether a state law "directly regulates" the federal government demands a functional inquiry into whether the regulations at issue "interfere with or control the operations of the federal

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[26] "In the Trump administration, nearly every major department is an immigration agency." *Associated Press.* 20 February 2025. <https://apnews.com/article/immigration-border-enforcement-trump-rubio-bondi-hegseth-fb0c2a5351334f4615706033b820bf92>

[27] "After judge's ruling, HHS authorized to resume sharing some Medicaid data with deportation officers." *Associated Press*. 5 January 2026. https://apnews.com/article/medicaid-data-hhs-rfk-sharing-immigration-trump-30784ce01a403a16aca504980e4c7bc9

[28] These restrictions are codified at Government Code, §§ 7282, et. seq., and the Values Act is codified at §§ 7284-7284.12

[29] See Gov. Code, § 7282.5

[30] U.S. Const., art. VI, Cl 2.

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

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

government."[33] Moreover, "a state or local law discriminates against the federal government if it treats a state entity more favorably than it treats a comparable federal entity."[34] There is no de minimis exception to a discriminatory burden – *any* such burden is impermissible.[35] However, it is well settled that generally applicable state laws can apply to federal entities.[36] It should be noted that "the scope of a federal contractor's protection from state law under the Supremacy Clause is substantially narrower than that of a federal employee or other federal instrumentality."[37]

Crucially, the Ninth Circuit Court of Appeals' recently issued a ruling with regard to Senate Bill 805 (Perez), Chapter 126, Statutes of 2025, which among other changes, required local, state, out-of-state, and federal law enforcement agencies operating in California to adopt policies on the visible identification of sworn personnel, and required officers from such agencies to visibly display identification when performing their enforcement duties.[38] That ruling was based on an appeal of an earlier ruling handed down by the United States District Court for the Central District of California in the case of *United States v. California*, which enjoined enforcement of a related bill, Senate Bill 627 (Wiener), Chapter 125, Statutes of 2025, because it unlawfully discriminated against the federal government in violation of the intergovernmental immunity doctrine.[39] However, the district court also found that the United States was unlikely to succeed on its claim that the two bills unlawfully directly regulated the federal government, and the United States therefore appealed the ruling to the Ninth Circuit, seeking to enjoin SB 805's requirements on federal law enforcement.[40]

On April 22, 2026, the Ninth Circuit granted the federal government's injunction, finding that the United States was likely to succeed on its claim that SB 805's requirement that federal officers visibly display identification when performing their duties was an unlawful direct regulation of the federal government in violation of the intergovernmental immunity doctrine.[41] While this ruling pertains to a law that is not entirely analogous to the instant bill, the Ninth Circuit's discussion of what constitutes a direct regulation under intergovernmental immunity is instructive. Specifically, the Ninth Circuit rejected the district court's reasoning that direct regulation of the federal government demands a functional inquiry into whether the regulation interferes with or controls the operation of the federal government, stating that this particular standard pertains to the regulation of federal contractors and third-party employers, but is not the standard that governs direct regulation of United States governmental activities.[42] Instead, the Ninth Circuit articulated a far more stringent standard for what constitutes a direct regulation under intergovernmental immunity, stating that intergovernmental immunity "forbids States from regulating the federal government *qua* government and from controlling federal governmental functions in any manner and to any degree." (*Id.* at pp. 13-14) As the panel reasoned:

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[33] *United States v. Washington,* (2022) 596 U.S. 832, 838
[34] *Boeing*, *supra*, 768 F.3d at p. 842, quoting *United States v. City of Arcata* (9th Cir. 2010) 629 F.3d 986, 991.
[35] *United States v. California, supra,* 921 F.3d at 880
[36] See *United States ex rel. Drury v. Lewis*, 200 U.S. 1, 7-8 (1906); Johnson v. Maryland, 254 U.S. 51, 56 (1920).
[37] *Geo Grp., Inc. v. Newsom* (2022) 50 F.4th 745, 755.
[38] Gov. Code, § 7288, subds. (a) & (c)(2); Pen. Code, § 13654, subds. (a) & (d)(2)
[39] *United States v. California* (C.D.Cal. 2026) 819 F.Supp. 3d 1109; SB 805 (Pérez), which was substantially similar to SB 627 in its application to the federal government but did not contain such an exemption for state law enforcement officers, was not challenged by the Trump Administration as unlawful discrimination against the federal government, see p. 35, fn. 9.
[40] *United States v. California*, *supra*, 819 F.Supp.3d at p. 35; *United States v. California* (9th Cir. 2026) 173 F.4th 1060, 7-8, fn. 4.
[41] *Id.* at pp. 3, 16
[42] *Id.* at pp. 11-12

> A direct regulation is one that "lays hold of" federal officers "in their specific attempt to obey orders and requires qualifications in addition to those that the [federal] Government has pronounced sufficient." It imposes conditions upon "a function of government," and regulates "the right to carry on the business" of the federal government. […] [I]f a state law directly regulates the conduct of the United States, it is void irrespective of whether the regulated activities are essential to federal functions or operations, and irrespective of the degree to which the state law interferes with federal functions or operations.[43]

In the instant case, the bill is distinct from SB 805 and SB 627 in that it does not impose affirmative requirements on federal law enforcement officers (effectively telling them how to do their job), but rather modifies restrictions related to employment as California peace officer. These restrictions, however, do not appear to be applied uniformly to all prospective peace officers: while applicants previously employed by a state or local entity from another state, or by a federal entity, that engaged in immigration enforcement during the specified timeframe would be barred, applicants coming from a California agency – a lateral applicant, for instance – that engaged in immigration enforcement pursuant to state law discussed above would not. Although an argument could be made that the bill is intended to preclude the hiring of individuals directly engaged in particularly severe enforcement efforts, and California agencies are prohibited from engaging in such efforts, the breadth of the definition of "immigration enforcement" and the application of the bill to "entities" rather than "individuals" seem to cut in the opposite direction. Ultimately, it appears that the bill does include a discriminatory aspect that may be subject to constitutional challenge under the intergovernmental immunity doctrine.

5. Related Legislation

This bill is one of four measures introduced this year aimed at restricting the employment of individuals previously employed by federal immigration authorities or engaged in federal immigration enforcement, three of which, including this one, are still active. SB 1332 (Gonzalez) disqualifies any person employed by ICE between January 20, 2025 and January 20, 2029 from state employment, but was not heard in Senate Labor, Public Employment, and Retirement Committee. AB 1627 (Avila Faris) specifies that existing laws disqualifying a person from being a peace officer if they were previously employed as a law enforcement officer and had their certification revoked, or engaged in serious misconduct that would have resulted in decertification in California, include a law enforcement officer employed by the federal government who engages in immigration enforcement. AB 1627 will be heard in this Committee on the same day as this bill. SB 938 (Menjivar) is most similar to this bill and provides that a person is disqualified from employment as a California peace officer if they, on or after January 20, 2025, were employed as a sworn law enforcement officer by a federal agency engaged in immigration enforcement and personally assisted with immigration enforcement, but may be eligible after a 10-year cooling off period. SB 938 is currently awaiting hearing in Assembly Public Safety Committee.

[43] *Id.* at pp. 10, 12.

6. Double Referral

This bill is double referred to the Senate Committee on Labor, Public Employment and Retirement, where it will be heard if it passes out of this Committee. Many of the bill's provisions fall either partially or entirely within the jurisdiction of Senate Labor, including the prohibition on employment with a local government or public agency of the state for individuals previously employed by an immigration enforcement entity during the specified timeframe and the provisions regarding employment examinations administered by Cal HR. For an more in-depth discussion of those provisions, see the analysis prepared by that committee.

7. Argument in Support

According to SEIU California:

> 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. SEIU's membership, which reflects the full diversity of California's workforce, their families, and their neighbors have been adversely impacted by this recent escalation in federal immigration enforcement.
>
> To support these efforts, the administration has passed H.R. 1, 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.
>
> Without a process to ensure accountability and retraining of ICE agents, and to ensure that those who have violated human, constitutional, and due process rights are prevented from gaining employment at a publicly funded agency in California, administrators could unknowingly put the public at risk and bring an unwanted liability to the state. AB 1896 will prevent this from happening by disqualifying 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 and will protect the public's support for and the revenues of our public institutions.

8. Argument in Opposition

According to the Peace Officers Research Association of California:

> AB 1896 would disqualify individuals from serving as peace officers and, in many cases, from 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, certification status, 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, certification, and training. AB 1896 departs from these established standards by creating a blanket disqualification that applies regardless of an individual's conduct, qualifications, disciplinary history, 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 replacing individualized, merit-based hiring decisions with a categorical exclusion unrelated to job performance or professional standards. California's hiring decisions should continue to be based on objective qualifications and demonstrated fitness for public service.

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