

THIRD READING

Bill No: AB 1896
Author: Mark González (D) and Rivas (D), et al.
Amended: 8/27/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 6/23/26
AYES: Arreguín, Caballero, Cortese, Pérez, Wiener
NOES: Seyarto

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 4-1, 7/1/26
AYES: Smallwood-Cuevas, Cortese, Durazo, Laird
NOES: Strickland

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/13/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 53-21, 5/27/26 - See last page for vote

SUBJECT: Public employment: disqualifications

SOURCE: Author

DIGEST: This bill (1) disqualifies a person from public employment in California, including employment as a peace officer, if they were previously employed as a sworn law enforcement officer or individual contractor and personally engaged in immigration enforcement; (2) requires a hiring agency considering a peace officer applicant to conduct a suitability review of that candidate based on standards developed by the Commission on Peace Officer Standards and Training (POST), as specified.

Senate Floor Amendments of 08/27/26 address chaptering conflicts.

Senate Floor Amendments of 08/21/26 require POST to adopt a definition of “suitability” based on recommendations from a newly established working group;

specify that the signed declaration required to be submitted to the Department of Justice (DOJ) by a peace officer applicant should instead be submitted to the hiring agency; require employment forms used by a state or local agency to require a person applying for employment to disclose whether the person has been employed as a sworn law enforcement officer or individual contractor personally engaged in immigration enforcement; remove definitions and make technical changes.

ANALYSIS:

Existing law:

- 1) 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. (Government (Gov.) Code, § 7284.6, subd. (a).)
- 2) 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:
 - a) The primary purpose of the joint law enforcement task force is not immigration enforcement, as defined.
 - b) The enforcement or investigative duties are primarily related to a violation of state or federal law unrelated to immigration enforcement.
 - c) 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).)
- 3) Requires POST to establish a certification program for peace officers, as defined, and provides that basic, intermediate, advanced, supervisory, management, and executive certificates shall be established for the purpose of fostering professionalization, education, and experience necessary to adequately accomplish the general police service duties performed by peace officers. (Penal (Pen.) Code § 13510.1, subds. (a)-(b).)

- 4) 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).)
- 5) 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, and which must include specified elements. (Pen. Code, § 13510.8, subd. (b).)
- 6) 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.)
- 7) 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.)
- 8) 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.)
- 9) 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 specified criteria. (Gov. Code, § 18935.)

- 10) Requires a law enforcement agency (LEA) to conduct a background check on a peace officer or prospective officer, as provided. (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) Provides that each class of public officers or employees declared by law to be peace officers shall meet specified minimum standards. (Gov. Code, § 1031.)
- 13) Provides that any background investigation of a candidate for a peace officer position shall include an inquiry into whether the candidate has engaged or is engaging in membership in a hate group, participation in any hate group or advocacy of public expressions of hate. (Pen. Code, § 13681.)
- 14) Provides that, for purposes of performing a thorough background investigation for applicants not currently employed as a peace officer or in the case of an applicant for a position other than a sworn peace officer within a law enforcement agency, an employer shall disclose employment information relating to a current or former employee, upon request of a law enforcement agency, if specified conditions are met. (Gov. Code, § 1031.1, subd. (a).)
- 15) Provides that specified persons are disqualified from being a peace officer in California, including specified persons who have been charged or convicted of a felony, persons that have had a POST certificate revoked or application denied, or 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).)

This bill:

- 1) Provides that a person is 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 as a sworn law enforcement officer or individual contractor and personally engaged in immigration enforcement.

- 2) Provides that a person shall not be disqualified from public employment per the above if they are approved to enter a POST basic course, as specified.
- 3) Provides that a person is disqualified from being a California peace officer if they were previously employed as a sworn law enforcement officer or individual contractor, and personally engaged in immigration enforcement.
- 4) Provides that a person shall not be disqualified from being employed as a California peace officer per (3) above if they are approved to enter a POST basic course, as specified.
- 5) Provides that, for the purpose of a thorough background investigation, a hiring agency may consider news articles, verified social media posts, filings of civil complaints, and other verified sources.
- 6) Provides that, for peace officer applicants not currently employed as a peace officer or an applicant for a position other than a sworn peace officer within a law enforcement agency, who were previously employed as a sworn law enforcement officer or individual contractor and personally engaged in immigration enforcement, the background investigation shall be completed by the hiring agency prior to the candidates participation in the POST basic course.
- 7) Provides that the hiring agency shall review the background investigation and determine if the individual is suitable for entering a POST basic course, and that suitability shall be based on both of the following:
 - a) The standards adopted by the Commission on Peace Officer Standards and Training by regulation on suitability.
 - b) California laws and regulations, as specified. The standards established for peace officers under all applicable.
- 8) Provides that suitability shall be determined on a case-by-case basis based on information contained in the applicant's background check and any additional information POST deems relevant.
- 9) Specifies that the hiring agency shall only be responsible for determining suitability for those applicants that affirm they engaged in immigration

enforcement and shall not be required or liable under the bill to determine suitability or prior employment history of applicants who did not affirm a declaration of such employment.

- 10) Provides that as part of the fingerprint-based criminal history review conducted for every applicant seeking peace officer employment or enrollment in a POST basic course, each applicant shall submit to the hiring agency a declaration signed under penalty of perjury that states whether the applicant has, at any time, been employed as a sworn law enforcement officer or individual contractor that personally engaged in immigration enforcement.
- 11) Specifies that if the hiring agency determines, based on the declaration above or other information lawfully available to the department, that an applicant has been employed as a sworn law enforcement officer and engaged in immigration enforcement, the hiring agency shall conduct a suitability review for the applicant, as specified.
- 12) Specifies that a knowingly false declaration submitted pursuant to (9) above shall constitute a false statement made under penalty of perjury and shall be considered by the hiring agency as part of its suitability determination.
- 13) Provides that Cal HR may 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 as a sworn law enforcement officer or individual contractor and personally engaged in immigration enforcement.
- 14) Specifies that Cal HR shall not refuse to examine anyone who was approved to enter a POST basic course, as specified.
- 15) Provides that, for the purposes of an applicant to attend the POST basic course who was previously employed as a sworn law enforcement officer or individual contractor and personally engaged in immigration enforcement, POST shall deny suitability for enrollment in the basic course, unless the commission receives notice from a hiring agency granting their suitability.
- 16) Specifies that no applicant shall enter the basic course without a hiring agency granting their suitability.
- 17) Requires POST, by January 1, 2028, to adopt by regulation a definition of "suitability" that shall serve as criteria to be considered for the suitability of an applicant who has engaged in immigration enforcement, and be based, in

part, on recommendations from a working group that the commission shall convene which shall consist of 11 members, as specified.

- 18) Provides that any background investigation of a candidate for a peace officer position shall include an inquiry into whether the candidate has engaged in immigration enforcement, as specified.
- 19) Requires employment forms used by a state or local agency to require a person applying for employment to disclose whether the person has been employed as a sworn law enforcement officer or individual contractor personally engaged in immigration enforcement
- 20) Defines “immigration enforcement” as 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, but excludes conduct permitted under the California Values Act.
- 21) Specifies that its provisions do not 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, as specified.
- 22) Includes a severability clause.
- 23) Includes language addressing chaptering conflicts.

Comments

For a discussion of relevant existing law, including existing minimum standards for peace officers and the POST certification and decertification processes, see the analysis prepared by the Senate Committee on Public Safety. Recent amendments restructure the central provisions of this bill, and function to disqualify an applicant for public employment, including as a California peace officer, who was previously employed as a sworn law enforcement officer or individual contractor and personally engaged in immigration enforcement, defined as 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, but excluding conduct permitted under the California Values Act.

This bill also, for purposes of an applicant who was previously employed as a sworn law enforcement officer or individual contractor and personally engaged in immigration enforcement, requires the hiring agency to complete the background investigation before the candidate participates in a POST basic course, and requires the agency to review the background investigation and determine if the individual is suitable to enter the POST basic course subject to a definition of suitability adopted by POST based, in part, on recommendations from a working group, as specified. This bill also requires an applicant to submit a signed declaration under penalty of perjury to the hiring agency as to whether the applicant personally engaged in immigration enforcement. Additionally, this bill, for purposes of an applicant for the basic course who was previously employed as a sworn law enforcement officer or individual contractor and personally engaged in immigration enforcement, requires POST to deny suitability for enrollment in the basic course, unless the commission receives notice from the hiring agency granting the applicant's suitability.

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

According to the Senate Appropriations Committee:

Minor costs to state law enforcement agencies. (special funds, General Fund) Minor to modest costs to local law enforcement. To the extent this bill would impose additional duties on local law enforcement agencies, this bill would impose a state mandated local program. Costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates. (General Fund)

SUPPORT: (Verified 8/27/26)

California Democratic Party
California Faculty Association
California Latino Legislative Caucus
California Public Defenders Association
Coalition for Humane Immigrant Rights
Ella Baker Center for Human Rights
Justice2jobs Coalition
LA Defensa
Nextgen California
Seiu California
United Domestic Workers/afscme Local 3930

OPPOSITION: (Verified 8/27/26)

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 Police Chiefs Association
California Reserve Peace Officers Association
California State Sheriffs' Association
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
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
SFV Alliance

ASSEMBLY FLOOR: 53-21, 5/27/26

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Zbur, Rivas

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

NO VOTE RECORDED: Bauer-Kahan, Krell, Patel, Celeste Rodriguez, Schiavo,
Wilson

Prepared by: Alex Barnett / PUB. S. /916-651-4118
8/28/26 11:28:44

****** END ******