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THIRD READING

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Bill No: SB 1105  
Author: Pérez (D), et al.  
Amended: 4/8/26  
Vote: 21

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SENATE PUBLIC SAFETY COMMITTEE: 5-1, 4/7/26  
AYES: Arreguín, Caballero, Cortese, Pérez, Wiener  
NOES: Seyarto

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/14/26  
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab  
NOES: Seyarto, Dahle

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**SUBJECT:** Law enforcement

**SOURCE:** ACLU California Action

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**DIGEST:** This bill removes certain arrest authority and peace officer status for federal law enforcement officers operating in California and prohibits a California law enforcement agency from entering into an interagency agreement if their participation includes engaging in specified conduct prohibited by California law and the United States and California constitutions, as specified.

**ANALYSIS:**

Existing law:

- 1) Provides that any person who meets all standards imposed by California law on a peace officer is a peace officer and provides that sworn members of several specified law enforcement agencies and agency types are peace officers whose authority extends to any place in this state. (Penal (Pen.) Code, §§ 830, 830.2.)
- 2) Grants peace officers the authority to arrest a person in obedience to a judicial warrant, or pursuant to their peace officer authority, without a warrant when any of several specified circumstances occur. (Pen. Code, § 836, subd. (a).)

- 3) Provides that federal criminal investigators and law enforcement officers are not California peace officers, but may exercise the powers of arrest of a peace officer in any of the following circumstances:
  - a) Any circumstances in which a California peace officer may arrest without a warrant and in specified circumstances related to involuntary psychiatric holds that involve violations of state or local laws.
  - b) When these investigators and law enforcement officers are engaged in the enforcement of federal criminal laws and exercise the arrest powers only incidental to the performance of these duties.
  - c) When requested by a California law enforcement agency to be involved in a joint task force or criminal investigation.
  - d) When probable cause exists to believe that a public offense that involves immediate danger to persons or property has just occurred or is being committed. (Pen. Code, § 830.8, subd. (a).)
- 4) Requires that federal investigators and law enforcement officers, prior to the exercise of these arrest powers, to have been certified by their agency heads as having satisfied specified training requirements. (Ibid.)
- 5) Provides that duly authorized federal employees who comply with specified training requirements are peace officers when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government, or on any street, sidewalk, or property adjacent thereto, and with the written consent of the sheriff or the chief of police, respectively, in whose jurisdiction the property is situated. (Pen. Code, § 830.8, subd. (b).)
- 6) Specifies that during a state of war emergency or a state of emergency, as defined, federal criminal investigators and law enforcement officers who are assisting California law enforcement officers in carrying out emergency operations are not deemed California peace officers, but may exercise the powers of arrest of a peace officer, as specified. (Pen. Code, § 830.8, subd. (d).)
- 7) Creates, via the Tom Bane Civil Rights Act, a civil cause of action against anyone, including police, who interferes with constitutional rights by threat, intimidation or coercion. (Civil (Civ.) Code, § 52.1.)
- 8) Prohibits a peace officer from engaging in racial or identity profiling, as defined, and requires that the course of basic training for peace officers include

adequate instruction on racial, identity, and cultural diversity, as specified. (Pen. Code, § 13519.4.)

- 9) Generally, prohibits law enforcement agencies from using kinetic energy projectiles and chemical agents, as defined, for the purposes of crowd control. (Pen. Code, § 13652.)
- 10) Generally, requires law enforcement agencies to obtain the approval of their governing body, as specified, prior to acquiring any military equipment, as defined. (Gov. Code, §§ 7070 et. seq.)
- 11) Generally prohibits, via The California Values Act, 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).)
- 12) 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).)
- 13) Requires California law enforcement agencies participating in a task force, for which the agency has agreed to dedicate personnel or resources on an ongoing basis, to submit a report annually to the Department of Justice, as specified. (Gov. Code, § 7284.6, subd. (c).)

This bill:

- 1) Strikes provisions of existing law granting federal law enforcement officers the powers of arrest of a peace officer under any circumstances in which a California peace officer may arrest without a warrant and in specified circumstances related to involuntary psychiatric holds that involve violations of state or local laws, and when federal investigators and law enforcement officers are engaged in the enforcement of federal criminal laws and exercise the arrest powers only incidental to the performance of these duties.
- 2) Provides that federal law enforcement officers may exercise the powers of arrest of a California peace officer when probable cause exists to believe that a public offense has occurred or is being committed only when that public offense involves immediate threat of great bodily injury.
- 3) Specifies that the above peace officer powers must be exercised consistent with existing requirements regarding the use of facial coverings by peace officers and the identification of peace officers.
- 4) Specifies that the existing provision authorizing federal criminal investigators and law enforcement officers to exercise the powers of arrest of a peace officer during declared states of emergency only applies to those federal officials assisting California law enforcement officers in carrying out emergency operations at the request of the Governor.
- 5) Specifies that any federal officials assisting California law enforcement officers during declared states of emergency at the request of the Governor must comply with existing requirements regarding the use of facial coverings by peace officers and the identification of peace officers.
- 6) Provides that a California law enforcement agency shall not enter into an interagency agreement unless the agreement is in writing and expressly provides that any California law enforcement agency that is a party to the agreement shall not engage in the following conduct:
  - a) Racial profiling, as defined.
  - b) Investigation, arrest, use of force, or imposition of civil or criminal liability or other penalties upon a person or entity based on constitutionally protected expressive conduct, including specified conduct in furtherance of National Security Presidential Memorandum No. 7, and the deployment of kinetic energy projectiles and chemical agents for crowd control.

- c) Use, deployment, or acquisition of military equipment that has not been authorized pursuant to existing law.
- 7) Specifies that an interagency agreement shall not exceed 4 years, but that the agreement may be renewed upon the creation of a new written instrument.
  - 8) Provides that Except as required by federal or state law, a California law enforcement agency shall not use agency or departmental resources or personnel to assist an operation executed in whole, or in part, by a federal or out-of-state law enforcement agency when it has information that a federal or out-of-state law enforcement agency has engaged in, or intends to engage in suppression of specified constitutionally protected expressive conduct.
  - 9) Provides that an interagency agreement in existence on January 1, 2027, is presumptively valid and may remain in effect until July 1, 2027, upon which time it must be amended to include the limitations set forth above.
  - 10) Specifies that an interagency agreement that does not expressly include the limitations set forth above is contrary to law and public policy, and is void and unenforceable.
  - 11) Defines the following terms:
    - a) “California law enforcement agency” means a police department, as specified, a sheriffs department, a district attorneys office, a county probation department, or any other law enforcement agency, department, or other entity of the state or any political subdivision thereof that employs peace officers.
    - b) “Joint law enforcement task force” means at least one California law enforcement agency collaborating, engaging, or partnering with at least one federal or other out-of-state law enforcement agency in investigating a violation of federal or state crimes, including, but not limited to, the United States Department of Homeland Security task forces established by Executive Order 14159, dated January 20, 2025, the Federal Bureau of Investigation Joint Terrorism Task Forces referenced in the September 26, 2025, National Security Presidential Memorandum No. 7, and the temporary Immigration and Customs Enforcement Protection task forces established by the Attorney General memorandum dated September 29, 2025.
    - c) “Interagency agreement” means an agreement or memorandum of understanding between a California law enforcement agency and a

- federal law enforcement agency or other out-of-state law enforcement agency for the purpose of criminal law enforcement, including, but not limited to, a mutual aid agreement. This definition shall not be construed to include individual or informal communications or consultations between a California law enforcement agency and a federal or out-of-state agency.
- d) “Constitutionally protected expressive conduct” means activities protected by the First Amendment of the United States Constitution or Sections 1 to 4, inclusive, of Article I of the California Constitution, as specified.
  - e) “Assist” or “assists” includes, but is not limited to, providing personnel for backup or perimeter control.

12) Includes several legislative findings and declarations and a severability clause.

### **Comments**

The Tenth Amendment to the United States Constitution provides that “the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.” Among these powers reserved to the states is the “police power,” which traditionally has been defined as the authority to define the criminal law and to provide for the public health, safety, morals and welfare. It is well-established that the “states are independent sovereigns possessing inherent police power to criminally punish conduct inimical to the public welfare, even when that same conduct is also prohibited under federal law,” and that “foremost among the prerogatives of sovereignty is the power to create and enforce a criminal law.” Indeed, “even though federal law may authorize federal agents to act as state peace officers, each state retains the ability to limit the involvement of federal law enforcement in administering that state’s criminal laws.”

California is one such state that has enacted limits on the extent to which federal criminal law enforcement officers may enforce the state’s criminal laws. Existing law, Penal Code section 830.8, specifies that federal criminal investigators and law enforcement officers are not California peace officers, but may exercise the powers of arrest of a peace officer in limited circumstances. These circumstances primarily include when federal officers are engaged in federal law enforcement and exercise arrest powers incidental to federal duties, when requested by a California law enforcement agency to be involved in a joint task force or investigation, when probable cause exists to believe that a public offense that involves immediate

danger to persons or property is occurring. In addition, federal officers have the authority to arrest in various situations where they have probable cause to believe a crime has been committed or when a felony has been committed out of their presence. Prior to exercising these powers, federal officers must be certified by their agency heads as having satisfied specified basic training requirements.

This bill strikes provisions of existing law granting federal law enforcement officers the powers of arrest of a peace officer under any circumstances in which a California peace officer may arrest without a warrant and in specified circumstances related to involuntary psychiatric holds that involve violations of state or local laws, and when federal investigators and law enforcement officers are engaged in the enforcement of federal criminal laws and exercise the arrest powers only incidental to the performance of these duties. Accordingly, this bill only allows federal officers to exercise peace officer arrest authority when requested by a California law enforcement agency to be involved in a joint task force or criminal investigation or when probable cause exists to believe that a public offense that involves an immediate threat of great bodily injury has just occurred or is being committed.

Historically, California law has placed few, if any, limitations on the creation of joint law enforcement task forces and other interagency agreements. However, in 2017, California enacted SB 54 (DeLeón, Chapter 134, Statutes of 2017) also known as the California Values Act, which generally prohibited California law enforcement agencies from using agency moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, 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. The Values Act specified that its provisions did not preclude a California law enforcement agency from conducting enforcement or investigative duties associated with a joint law enforcement task force, provided certain conditions were met, namely, that the primary purpose of the task force is not immigration enforcement and the enforcement or investigative duties are unrelated to immigration enforcement. However, beyond these immigration-related restrictions, California law imposes no requirements on joint law enforcement task forces or other interagency agreements entered into between California law enforcement agencies and federal or out-of-state law enforcement agencies.

This bill imposes various limitations on interagency agreements between California law enforcement agencies and federal or out-of-state agencies. Specifically, the bill requires that interagency agreements between California law

enforcement agencies and federal or out of state agencies must be in writing and expressly provide that the California agency will not engage in specified conduct prohibited by California law. These interagency agreements can only last 4 years in duration before requiring renewal, and any agreement that does not include the aforementioned limitations is deemed void and unenforceable. Additionally, the bill prohibits California law enforcement agencies from using agency or departmental resources or personnel to assist an operation executed in whole, or in part, by a federal or out-of-state law enforcement agency when it has information that a federal or out-of-state law enforcement agency has engaged in, or intends to engage in specified actions related to the suppression of constitutionally protected expressive conduct.

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

According to the Senate Appropriations Committee:

By increasing the duties on local law enforcement, this bill would impose a state-mandated local program. These costs to approve new interagency agreements are unknown and may be minor per local law enforcement agency but could be significant in the aggregate. For example, there are 455 police and 58 county sheriffs departments in the state. These costs are likely to be reimbursable from the state General Fund, subject to a determination by the Commission on State Mandates, to the extent a local agency files a reimbursement claim.

California law enforcement agencies could experience indirect but increased costs if interagency agreements in effect after July 1, 2027 contain provisions that federal law enforcement deem unacceptable. Where previously California law enforcement shared workload with a federal law enforcement partner, if federal participation is restricted, California law enforcement agencies may need to provide more of their own resources to backfill the loss of federal resources.

**SUPPORT:** (Verified 5/14/26)

ACLU California Action (source)  
Alianza Coachella Valley  
Alliance for a Better Community  
Alliance San Diego  
American Friends Service Committee  
Anti Police-Terror Project  
Bend the Arc: Jewish Action California

Berkeley Friends Meeting  
CAIR California  
California Attorneys for Criminal Justice  
California Black Power Network  
California Coalition for Sheriff Oversight  
California Community Foundation  
California Faculty Association  
California Immigrant Policy Center  
California Public Defenders Association  
Californians for Safety and Justice  
Cancel the Contract  
Center for Policing Equity  
Central American Resource Center of California  
Check the Sheriff  
Chispa  
Coalition for Humane Immigrant Rights  
Courage California  
Drug Policy Alliance  
Electronic Frontier Foundation  
Ella Baker Center for Human Rights  
Friends Committee on Legislation of California  
Initiate Justice  
Justice2jobs Coalition  
La Defensa  
Latino Community Foundation  
League of Women Voters of California  
Local 148 Los Angeles County Public Defender's Union  
Loyola Law School Anti-racism Center  
Multi-faith Action Coalition  
National Police Accountability Project  
Oakland Privacy  
Orange County Rapid Response Network  
Peace and Justice Law Center  
Pilipino Workers Center of Southern California  
Privacy Defense Alliance  
Prosecutors Alliance Action  
Public Counsel  
Restoring Hope California  
Rubicon Programs  
Santa Barbara Women's Political Committee

Santa Monica Democratic Club  
Sister Warriors Freedom Coalition  
Smart Justice California  
Solano County Democratic Central Committee  
South Asian Network  
The Gathering for Justice  
The W. Haywood Burns Institute  
Western Center on Law & Poverty  
Women's March Action

**OPPOSITION:** (Verified 05/14/26)

Arcadia Police Officers' Association  
Association for Los Angeles Deputy Sheriffs  
Brea Police Association  
Burbank Police Officers' Association  
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 Police Protective League  
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 County Sheriff's Office  
Riverside Police Officers Association  
Riverside Sheriffs' Association

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