

Date of Hearing: June 30, 2026

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ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

SB 1105 (Pérez) – As Amended April 8, 2026

SUMMARY: Limits the arrest authority of federal law enforcement officers, prohibits California law enforcement agencies (LEAs) from entering into interagency agreements with federal LEAs unless the agreement prohibits the California LEA from engaging in certain prohibited conduct, and prohibits California LEAs from using resources to assist operations executed by a federal LEA if the California LEA has information that the federal agency has engaged in specified conduct. Specifically, **this bill**:

- 1) Limits the arrest authority of federal law enforcement officers and criminal investigators (federal officers), as follows:
 - a) Removes the authority of federal officers to exercise the powers of arrest of a peace officer for violations of state or local laws in specified circumstances, including in obedience to a warrant, without a warrant if the officer has probable cause the person committed a public offense in the officer's presence, a person has committed a felony or the officer has probable cause to believe they have committed a felony, or to take into custody a person with a specified mental health disorder,
 - b) Removes the authority of federal officers to make arrests when they are engaged in the enforcement of federal criminal laws and exercise arrest powers only incidental to the performance of these duties.
 - c) Narrows the authority of federal officers to make arrests 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, by permitting such arrests only when there is probable cause that an offense involves an immediate threat of great bodily injury.
 - d) Clarifies that federal officers exercising arrest authority are subject to existing provisions of law requiring a private person who has made an arrest to take the person before a magistrate or deliver them to a peace officer, and prohibiting civil liability against a peace officer or federal officer acting within the scope of their duties, as specified.
 - e) Removes the reference to federal officers having the powers of arrest *of a peace officer*, and specifies that federal officer arrest authority must be consistent with provisions of law prohibiting law enforcement officers from wearing facial coverings and requiring law enforcement officers to visibly display identification, as specified.
 - f) States that specified provisions of law outlining the arrest authority of federal law enforcement officers do not affect the powers of federal officers when they are engaged

in the enforcement of federal criminal laws and exercising their federal arrest powers pursuant to the performance of those duties.

- g) Removes the provision of law making duly authorized federal employees peace officers when they are engaged in enforcing applicable state or local laws on property owned or possessed by the U.S. 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, and if those employees comply with specified peace officer training requirements.
 - h) Modifies the arrest authority given to federal officers assisting California law enforcement officers in carrying out emergency operations, as follows:
 - i) Limits this arrest authority to when assistance is provided during emergency operations at the request of the Governor.
 - ii) States that provisions of law prohibiting law enforcement officers from wearing facial coverings and requiring officers to display identification apply in these instances.
- 2) Prohibits, except as required by federal or state law, a California LEA from entering into an interagency agreement unless the agreement is in writing and expressly provides that any California LEA party to the agreement shall not engage in the following conduct:
- a) Racial or identity profiling, as defined and prohibited.
 - 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, but not limited to, either of the following:
 - i) Requests made by federal authorities or other out-of-state authorities to obtain data or conduct surveillance or investigation in furtherance of the objectives in the September 26, 2025, National Security Presidential Memorandum No. 7, including, pursuant to a joint law enforcement task force request or agreement made in furtherance of the objectives of that memorandum.
 - ii) Deployment of kinetic energy projectiles and chemical agents against an assembly, protest, or demonstration that does not meet the requirements of existing restrictions on the use of kinetic energy projectiles and chemical agents, including that such projectiles only be deployed by a peace officer who has completed certain training and that de-escalation techniques or other alternatives were attempted and failed.
 - c) Use, deployment, or acquisition of military equipment that has not been authorized by a military equipment use policy, as specified (hereafter, prohibited interagency conduct).
- 3) Prohibits an interagency agreement from exceeding four years in duration and permits the agreement to be renewed upon the creation of a new written instrument.
- 4) Prohibits, except as required by federal or state law, a California LEA 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 LEA when it has information that a federal or out-of-state LEA has engaged in, or intends to engage in, investigation, use of force, or imposition of penalties based on constitutionally protected expressive conduct, as specified, in that operation.

- 5) States that an interagency agreement in existence on January 1, 2027, is presumptively valid and may remain in effect until July 1, 2027, and on or before July 1, 2027, the interagency agreement shall be amended to include the restrictions on prohibited interagency conduct.
- 6) States that an agreement that does not expressly include the limitations on prohibited interagency conduct is contrary to law and public policy, and is void and unenforceable.
- 7) Makes any of the following a violation of this bill:
 - a) The California LEA has engaged in prohibited interagency conduct under the auspices of an interagency agreement.
 - b) The California LEA did not otherwise comply with the requirements of this bill.
- 8) Defines the following terms:
 - a) “California law enforcement agency” means a police department, including the police department of a transit agency, school district, or specified higher education institutions, a sheriff’s department, a district attorney’s office, a county probation department, and any other LEA, department, or other entity of the state or any political subdivision thereof that employs any peace officer.
 - b) “Interagency agreement” means an agreement or memorandum of understanding between a California LEA and a federal LEA or other out-of-state LEA for criminal law enforcement, including, but not limited to, a mutual aid agreement. This does not include individual or informal communications or consultations between a California LEA and a federal or out-of-state agency.
 - c) “Constitutionally protected expressive conduct” means activities protected by the First Amendment of the United States (U.S.) Constitution or provisions of the California Constitution establishing rights to life and liberty, acquiring property, pursuing safety, happiness and privacy, rights related to reproductive freedom, speech, press, assembly, and religion, including, but not limited to: 1) assembly; 2) petitioning; 3) speech; 4) expression of political and religious opinions; 4) recording government officials engaged in their duties in public places; and 4) publication of opinions or recordings.
 - d) “Joint law enforcement task force” means at least one California LEA collaborating, engaging, or partnering with at least one federal or other out-of-state LEA in investigating a violation of federal or state crimes, including, but not limited to, the U.S. 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.

- e) “Assist” or “assists” includes, but is not limited to, providing personnel for backup or perimeter control.
- 9) States that the provisions of this bill restricting federal and state LEA agreements and cooperation 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 an individual, or maintaining or exchanging that information with any other federal, state, or local governmental entity, as specified.
- 10) Includes a severability clause, makes specified findings and declarations, and makes technical clarifying changes.

EXISTING STATE LAW:

- 1) Authorizes a peace officer to arrest a person in obedience to a warrant, or, pursuant to their peace officer authority, without a warrant, if: 1) the officer has probable cause to believe the person to be arrested has committed a public offense in the officer’s presence; 2) the person arrested has committed a felony, although not in the officer’s presence; and 3) the officer has probable cause to believe that the person to be arrested has committed a felony, whether or not a felony, in fact, has been committed. (Pen. Code, § 836, subd. (a).)
- 2) Outlines the arrest of federal law enforcement officers, as follows:
 - a) States that federal officers are not California peace officers, but may exercise the arrest powers of a peace officer in the following circumstances:
 - i) In obedience to a warrant, or without a warrant if the officer has probable cause the person committed a public offense in the officer’s presence, the person arrested has committed a felony, or the officer has probable cause to believe they have committed a felony, or to take into custody a person with a mental health disorder, for violations of state or local laws.
 - ii) When federal officers are engaged in the enforcement of federal criminal laws and exercise the arrest powers only incidental to the performance of these duties.
 - iii) When requested by a California LEA to be involved in a joint task force or criminal investigation.
 - iv) When probable cause exists that an offense involving immediate danger to persons or property has occurred or is being committed. (Pen. Code, § 830.8, subd. (a)(1)-(4).)
 - b) States that provisions of law requiring a private person who has made an arrest to take the person before a magistrate or deliver them to a peace officer, and prohibiting specified civil liability against a peace officer or federal officer acting within the scope of their duties, apply in all of the above instances. (Pen. Code, §§ 830.8, subd. (a); 847.)

- c) Requires federal officers, before exercising arrest powers, to have been certified by their agency as having satisfied Commission on Peace Officer Standards and Training (POST) training requirements, or the equivalent thereof. (Pen. Code, § 830.8, subd. (a).)
 - d) States that duly authorized federal employees who comply with specified POST training requirements are peace officers when they are engaged in enforcing applicable state or local laws on property owned by the U.S. government, or specified adjacent property, 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).)
 - e) States that national park rangers are not California peace officers but may exercise arrest authority for violations of state or local laws, provided these rangers are exercising the arrest powers incidental to the performance of their federal duties or providing law enforcement services in response to a request initiated by California state park rangers to assist in preserving the peace and protecting state parks. (Pen. Code, § 830.8, subd. (c).)
 - f) States that during a state of war emergency or a state of emergency, federal officers who are assisting California law enforcement officers in carrying out emergency operations are not peace officers, but may exercise specified peace officer arrest authority for violations of state or local laws, as specified. (Pen. Code, § 830.8, subd. (d).)
- 3) Establishes the California Values Act, which prohibits LEAs from using agency or department money or personnel to investigate, detain, or arrest persons for immigration enforcement purposes, subject to specified exemptions. (Gov. Code, §§ 7282.5, 7284.6.)
- 4) States that the Values Act does not prevent a California LEA from conducting enforcement or investigative duties associated with a joint law enforcement task force, including the sharing of confidential information with other LEAs for purposes of task force investigations, if doing so would not violate the policy of the LEA or any local law or policy of the jurisdiction the agency is operating, and 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 LEA does not violate any local law or policy to which it is otherwise subject. (Gov. Code, § 7284.6, subd. (b)(3).)
- 5) Creates a cause of action against any person who, whether or not acting under color of law, interferes by threat, intimidation, or coercion with the exercise of rights secured by the Constitution or laws of the U.S. or of California, as specified. (Civ. Code, § 52.1, subd. (a).)
- 6) Prohibits a peace officer from engaging in racial or identity profiling, 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, subds. (b) & (f).)

- 7) Prohibits any LEA from using kinetic energy projectiles and chemical agents to disperse any assembly, protest, or demonstration, except as specified. (Pen. Code, § 13652, subd. (a).)
- 8) Provides that kinetic energy projectiles and chemical agents shall only be deployed by a peace officer who has received POST training on their proper use for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury or to bring an objectively dangerous and unlawful situation safely and effectively under control, and only in accordance with certain requirements, including that de-escalation techniques were attempted and failed. (Pen. Code, § 13652, subd. (b).)
- 9) Requires an LEA to obtain approval of the governing body, by ordinance adopting a military equipment use policy, before requesting military equipment, acquiring military equipment, or collaborating with another LEA in the deployment or use of military equipment, as specified. (Gov. Code, § 7071, subd. (a).)
- 10) States that the fact that a person takes a photograph or makes an audio or video recording of a public officer or peace officer, while the officer is in a public place or the person taking the photograph or making the recording is in a place they have the right to be, does not constitute, in and of itself, a violation of willfully resisting, delaying or obstructing a public officer in the discharge of their duties, nor does it constitute reasonable suspicion to detain the person or probable cause to arrest the person. (Pen. Code, § 148, subd. (g).)

FISCAL EFFECT: Unknown.

COMMENTS:

- 1) **Sponsors:** ACLU California Action, Coalition for Humane Immigrant Rights (CHIRLA).
- 2) **Author's Statement:** According to the author, "SB 1105, the Protect CA Rights Act, prohibits local and state law enforcement from assisting federal agents in operations that involve racial or identity profiling, the criminalization of protected speech, or the use of unauthorized military-style weapons against Californians.

“Californians have rights — and it is our duty to protect them. Existing California law already prohibits racial profiling, and our Constitution guarantees the right to peacefully assemble without being met with militarized responses.

“But the Federal Administration is attempting to erode those rights in real time. Through their words, actions, and executive orders, the Federal Administration has made clear that its enforcement campaign extends beyond undocumented immigrants. Across California, we are increasingly seeing federal agents rely on local law enforcement to facilitate their operations. ICE has called upon local police to block legal observers and rapid responders from documenting enforcement actions, creating barriers that limit public visibility into federal immigration operations. While such actions may not violate existing law, since local officers are not the ones carrying out immigration arrests, they are still providing operational support to ICE.

“American citizens who speak out against ICE have been targeted, and minority communities are being scrutinized regardless of immigration status. This bill makes one thing clear:

California’s law enforcement resources cannot be used to undermine California law or constitutional rights.”

- 3) **Background:** Since his return to office in 2025, President Trump has taken steps toward effectuating his large-scale anti-immigration agenda and retaliating against his political opponents. His administration’s “whole-of-government” approach – which involves enlisting nearly every major Cabinet-level agency in enforcement efforts – has redirected federal resources toward immigration and away from other priorities.¹ To meet its immigration detention and deportation objectives, the Trump Administration has also employed a range of arcane or little-used legal tools, such as invoking the Alien Enemies Act of 1798 and so-called “287(g) agreements,” which effectively deputize local police for immigration enforcement.² As of February 13, 2026, Immigration and Customs Enforcement (ICE) reported 1,412 active agreements across 40 states and territories, though none in California, which has long prohibited its state and local agencies from entering such agreements.³

President Trump has also directed top law enforcement officials in his government to pursue investigations and prosecutions of his political opponents,⁴ including pursuant to a presidential memorandum nominally aimed at “countering domestic terrorism and organized political violence.”⁵ This memorandum (hereinafter “NSPM-7”) alleges that the driving force behind such nefarious enterprises is the “anti-fascist” movement, which:

[P]ortray foundational American principles (e.g., support for law enforcement and border control) as “fascist” to justify and encourage acts of violent revolution. This “anti-fascist” lie has become the organizing rallying cry used by domestic terrorists to wage a violent assault against democratic institutions, constitutional rights, and fundamental American liberties. Common threads animating this violent conduct include anti-Americanism, anti-capitalism, and anti-Christianity; support for the overthrow of the United States Government; extremism on migration, race, and gender; and hostility towards those who hold traditional American views on family, religion, and morality.⁶

NSPM-7 directs law enforcement to “disband and uproot networks, entities, and organizations that promote organized violence, violent intimidation, conspiracies against

¹ Rebecca Santana, *In the Trump administration, nearly every major department is an immigration agency*, Associated Press (Feb. 20 2025) <<https://apnews.com/article/immigration-border-enforcement-trump-rubio-bondi-hegseth-fb0c2a5351334f4615706033b820bf92>> [as of June 23, 2026].

² Abbie VanSickle, *Supreme Court Retains Block on Using Wartime Law to Deport Venezuelans*, New York Times (May 16, 2025) <<https://www.nytimes.com/2025/05/16/us/politics/supreme-court-alien-enemies-act-deportations.html?searchResultPosition=2>> [as of June 23, 2026]; Jaclyn Diaz and Connie Hanzhang Jin, *Little-used ICE agreements with local police have exploded under Trump*, National Public Radio (Feb. 17, 2026) <<https://www.npr.org/2026/02/17/nx-s1-5707449/local-police-immigration-cooperation-287g>> [as of June 23, 2026].

³ Diaz and Jin, *supra*; American Civil Liberties Union, *Deputized for Disaster: How President Trump’s 287(g) Deportation Force is a Powder Keg for our Communities* (2026), at p. 33 <https://assets.aclu.org/live/uploads/2026/02/Deputized-for-Disaster_260227.pdf> [as of June 23, 2026].

⁴ Protect Democracy, *Tracking retaliatory use of arrests, prosecutions, and investigations by the Trump administration* (June 16, 2026) <<https://protectdemocracy.org/work/retaliatory-action-tracker/>> [as of June 23, 2026].

⁵ The White House, *Countering Domestic Terrorism and Organized Political Violence: National Security Presidential Memorandum 7 (NSPM-7)* (Sept. 25, 2025) <<https://www.whitehouse.gov/presidential-actions/2025/09/countering-domestic-terrorism-and-organized-political-violence/>> [as of June 23, 2026].

⁶ *Ibid.*

rights, and other efforts to disrupt the functioning of a democratic society.”⁷ It also directs the National Joint Terrorism Task Force and its local offices to “coordinate and supervise a comprehensive national strategy to investigate, prosecute, and disrupt entities and individuals engaged in acts of political violence and intimidation designed to suppress lawful political activity or obstruct the rule of law,” and requires investigation of federal crimes relating to acts of recruiting or radicalizing persons for political violence, terrorism, conspiracy against rights, and violent deprivation of any citizen’s rights.⁸ Among other things, it requires the U.S. Attorney General to issue specific guidance to ensure that domestic terrorism priorities include politically motivated terrorist acts such as organized doxing, swatting, rioting, looting, trespass, assault, destruction of property, threats of violence, and civil disorder.⁹ In response to the memorandum, over 3,000 nonprofit organizations, including the sponsor of this bill, signed an open letter condemning NSPM-7 as an unjust attempt to silence political dissent.¹⁰ It is against this backdrop that the author proposes this measure.

4) Effect of this Bill:

a) Removal of Federal Law Enforcement Officer Arrest Authority:

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.” (U.S. Const., 10th Amend.) 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. (*Berman v. Parker* (1954) 348 U.S. 26, 32-33; *Gonzales v. Raich* (2005) 545 U.S. 1, 42; *Tenn. Wine & Spirits Retailers Ass’n v. Thomas* (2019) 588 U.S. 504, 521.) 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.” (*In re Jose C.* (2009) 45 Cal.4th 534, 544; *Heath v. Alabama* (1985) 474 U.S. 82, 93.) 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.” (*United States v. Artis* (2018) 315 F.Supp.3d 1142, 1146.)

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. Under Penal Code section 830.8, federal 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 the enforcement of federal criminal laws and exercise arrest powers incidental to federal duties, when requested by a California LEA to be involved in a joint task force or investigation, and 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)(2)-(4).) More generally, federal officers may make arrests for

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *An Open Letter Rejecting Presidential Attacks on Nonprofit Organizations* <https://fb1cd5ab-5a51-475c-87d1-10904a61146d.usrfiles.com/ugd/fb1cd5_408d23ef7c0b4243b9cdd3e9cf926b6a.pdf> [as of June 23, 2026].

violations of state or local laws if the arrest is in obedience to a warrant, or without a warrant if the officer has probable cause the person committed a public offense in the officer's presence, the person has committed a felony or the officer has probable cause to believe they have committed a felony, or to take into custody a person with a mental health disorder. (Pen. Code, § 830.8, subd. (a)(1).)

Before exercising these powers, federal officers must be certified by their agency heads as having satisfied specified POST training requirements, or the equivalent thereof. (Pen. Code, § 830.8, subd. (a).) Duly authorized federal employees additionally may enforce state or local laws on U.S. government property, or adjacent property, as specified, with written consent from a police chief or sheriff. (Pen. Code, § 830.8, subd. (b).) Other provisions set forth narrower circumstances under which national park rangers may exercise state arrest authority, and permit federal officers to exercise arrest authority when assisting California law enforcement during states of emergency. (Pen. Code, § 830.8, subds. (c)-(d).)

This bill limits the arrest authority given to federal officers under Penal Code 832.8 in several ways. First, and most impactfully, it repeals several existing statutory basis for federal officers to make arrests in California, including the arrest authority that applies: 1) for violations of state or local laws more generally, including the ability to make specified warrantless arrests; 2) when engaged in the enforcement of federal criminal laws and the arrest is incidental to the performance of these duties; and 3) when federal officers are engaged in enforcing applicable state or local laws on property owned by the U.S. government with written consent from local law enforcement, as specified.

Second, it narrows the arrest authority of federal officers during scenarios of immediate danger. Currently, federal officers may make arrests when they have probable cause 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).) This bill limits this authority to only when there is danger to persons, rather than property, by permitting such arrests only when there is probable cause that a public offense involves an immediate threat of great bodily injury.

Under this bill, the above arrest authority must be consistent with existing prohibitions against law enforcement officers wearing specified facial coverings and requiring law enforcement officers to visibly display identification, as specified. The bill also states that these restrictions do not affect the powers of federal officers when they are engaged in the enforcement of federal criminal laws and exercising their federal arrest powers pursuant to the performance of those duties. Among other changes, it also modifies the arrest authority currently given to federal officers when assisting California law enforcement officers in emergency operations by only permitting such federal officers to make arrests when assistance is provided during emergency operations at the request of the Governor.

This may limit the degree to which federal law enforcement officers may make arrests beyond those authorized by their federal enforcement duties. On one hand, this may prevent aggressive federal law enforcement officers, such as those we have seen related to immigration enforcement, from being able to point to California law to justify arrests indirectly related to immigration enforcement (e.g., an arrest of a protester recording an immigration enforcement action for an alleged assault). Currently, California gives federal officers the authority to make arrests incidental to the performance of their federal

enforcement duties, as well as the authority to make warrantless arrests for violations of state or local law, if, for example, the officer has probable cause to believe that the person committed an offense in that officer's presence. (Pen. Code, § 836, subd. (a)(1)-(2).) This bill removes such a statutory basis for federal officers to make arrests, while clarifying that this does not impact the authority of federal officers to make arrests when they are engaged in the enforcement of federal criminal laws.

On the other hand, this may broadly limit the degree to which federal law enforcement officers can make arrests for crimes under California law. If a federal law enforcement officer stationed in California witnesses a crime (e.g., an assault, theft, act of domestic violence, disturbing the peace, etc.) in the course of their duties, and their only basis for arrest is the statutory authority given to the officer under Penal Code 832.8, this bill's removal of state arrest authority may lead to a situation in which a federal officer observes a crime but is unable to arrest the perpetrator.

b) Restrictions on Collaboration with Federal or Out-of-State Law Enforcement Agencies

Existing law limits the degree to which California LEAs may participate in joint law enforcement task forces relating to immigration enforcement. In 2017, California enacted SB 54 (DeLeón), Chapter 134, Statutes of 2017, the Values Act, which generally prohibited LEAs from using agency or department money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, subject to specified exemptions. (Gov. Code, §§ 7282.5, 7284.6.) The Values Act established specific conditions related to participating in joint law enforcement task forces. Under these provisions, an LEA may conduct enforcement or investigative duties associated with a joint law enforcement task force only if doing so would not violate the policy of the LEA or any local law or policy. (Gov. Code, § 7284.6, subd. (b).) Further, the primary purpose of the joint law enforcement task force cannot be immigration enforcement, the enforcement or investigative duties must be primarily related to a violation of law unrelated to immigration enforcement, and participation in the task force by a California LEA cannot violate any local law or policy to which it is otherwise subject. (Gov. Code, § 7284.6, subd. (b)(3).)

This bill places new restrictions on the degree to which California LEAs may collaborate with federal or out-of-state LEAs. It does so in two primary ways.

First, it prohibits a California LEA from entering into an interagency agreement unless the agreement is in writing and expressly provides that a California LEA that is a party to the agreement shall not engage in certain prohibited conduct.

An interagency agreement is defined to mean an agreement or memorandum of understanding between a California LEA and a federal or other out-of-state LEA for criminal law enforcement, including, but not limited to, a mutual aid agreement. The bill prohibits such an agreement from exceeding four years, requires these express limitations to be included in interagency agreements by July 1, 2027, and states that an agreement that does not include these limitations by this time is void and unenforceable.

Specifically, the agreement must prohibit a California LEA from engaging in racial or identity profiling. Racial or identity profiling is already prohibited under California law; accordingly, this prohibition is largely declaratory of existing peace officer obligations. (Pen.

Code, § 13519.4, subd. (f).) Additionally, the agreement must prohibit the California LEA from using, deploying, or acquiring unauthorized military equipment. Existing law already requires an LEA to obtain approval from the applicable governing body prior to acquiring military equipment or collaborating with another LEA in the deployment or use of military equipment, as specified. (Gov. Code, § 7071, subd. (a).) Accordingly, this prohibition similarly appears to be consistent with existing obligations on California LEAs.

The agreement must also prohibit a California LEA from investigating, arresting, using force, or imposing civil or criminal liability or other penalties upon a person or entity based on “constitutionally protected expressive conduct.” The bill states that this prohibition includes but is not limited to: 1) deployment of kinetic energy projectiles and chemical agents against an assembly, protest, or demonstration in violation of existing restrictions of such kinetic projectiles; and 2) “[r]equests made by federal authorities or other out-of-state authorities to obtain data or conduct surveillance or investigation in furtherance of the objectives in [NSPM-7], including, pursuant to a joint law enforcement task force request or agreement made in furtherance of the objectives of that memorandum.” The reference to a “joint law enforcement task force” is defined to mean least one California LEA collaborating, engaging, or partnering with at least one federal or other out-of-state LEA 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 NSPM-7 and the temporary Immigration and Customs Enforcement Protection task forces established by the Attorney General memorandum dated September 29, 2025.

Similar to the prohibitions against racial profiling and unauthorized use of military equipment, existing law already prohibits an LEA from using kinetic energy projectiles and chemical agents to disperse any assembly, protest, or demonstration, unless certain conditions are met. (Pen. Code, § 13652, subds. (a) & (b).) However, the requirement that the agreement include a prohibition against imposing criminal penalties upon a person based on constitutionally expressive conduct, including, but not limited to, requests made by federal authorities to engage in certain actions in furtherance of the objectives in NSPM-7, raises several practical concerns. The prohibition against taking certain enforcement actions “based on” constitutionally protected expressive conduct could be interpreted to encompass unlawful conduct that occurred during protected expressive conduct. For example, it is unclear if this would prohibit a California LEA from arresting a person at a protest who, while protesting, engages in unlawful behavior such as inciting violence, throwing a rock at a peace officer, or assaulting a counter-protester, while concurrently engaging in protected free speech conduct. The author may wish to clarify this restriction on imposing penalties “based on” protected expressive conduct to ensure this does not errantly restrict enforcement against unlawful behavior.

Further, the meaning of this provision, and the use of the phrase “including but not limited to”, following the prohibition against imposing penalties based on constitutional conduct, is somewhat unclear. It is uncertain if the bill is stating that a request by a federal authority to obtain data or conduct an investigation in furtherance of NSPM-7 is sufficient to establish a violation of the prohibition against imposing penalties based on protected conduct, or if a California LEA would be required to respond to this request to trigger this prohibition.

Additionally, the author may also wish to remove the reference to “in furtherance of the objectives in [NSPM-7]”. As previously noted, NSPM-7 directed law enforcement to engage in a variety of conduct, including to disband entities that promote organized violence, violent intimidation, conspiracy against rights, and other efforts to disrupt the functioning of a democratic society, to investigate political violence and terrorism, and to ensure that domestic terrorism priorities include politically motivated terrorist acts such as organized doxing, swatting, rioting, looting, trespass, assault, destruction of property, threats of violence, and civil disorder.¹¹ While NSPM-7 pointed to “anti-fascism” as a unifying factor behind the memo, it also directs investigation and prosecution into vague and broadly defined activities such as “organized violence” and “efforts to disrupt the functioning of a democratic society.” Given the numerous and undefined criminal topics discussed in NSPM-7, and the fact that it is an informal memorandum, rather than a defined prohibition contained within a California statute, it may be difficult for California LEAs to determine what types of activities are “in furtherance of the objectives” of NSPM-7. Such a lack of clarity could disincentivize the creation of interagency agreements.

Second, the bill prohibits a California LEA from using agency or departmental resources or personnel to assist an operation executed by a federal or out-of-state LEA when it has information that the agency has engaged in, or intends to engage in, investigation, arrest, use of force, or imposition of civil or criminal liability or other penalties based on constitutionally protected expressive conduct in that operation. As previously noted, the imposition of penalties based on constitutionally expressive conduct includes requests made by federal authorities to conduct surveillance or investigation in furtherance of the objectives of NSPM-7, as well as non-compliance with the deployment of kinetic energy projectiles.

This provision also raises several practical questions. As previously referenced, it may not always be clear what types of activities are “in furtherance of the objectives of [NSPM-7.]” Accordingly, this provision contains the same ambiguity and feasibility concerns identified above. Additionally, this prohibition against imposing penalties based on protected conduct includes non-compliant use of kinetic energy projectiles under California law. However, currently, the conditions governing when kinetic projectiles and chemical agents may be used only apply to California peace officers. (Pen. Code, § 13652, subds. (b).)¹² Federal law enforcement officers may be subject to different use-of-force standards pertaining to the use of kinetic projectiles. It may not be prudent to prohibit California LEAs from using resources in a joint operation based on a federal officer’s use of kinetic projectiles if California’s restrictions on the use of kinetic projectiles don’t apply to such federal officers.

Further, the prohibition against a California LEA using resources to assist in a joint operation, “when it has information” that the federal agency has engaged in prohibited conduct, could use additional clarification. It is unclear what type of information would be sufficient to trigger a California LEA to remove its personnel from an operation. This could be broadly interpreted to encompass informal conversations between inter-agency law enforcement officers about certain conduct, or could be narrowly interpreted to require a formal determination of prohibited conduct (e.g., the discipline of a federal officer for using excessive force against a peaceful protestor). The author may wish to clarify what type of

¹¹ The White House, *supra*.

¹² A related bill, SB 937 (Gonzalez) of the 2025-2026 Legislative Session, seeks to expand the rules governing the use of kinetics to federal law enforcement agencies.

information is sufficient to trigger this provision of the bill or otherwise remove this provision.

Finally, the author may wish to clarify the scope and meaning of the term “operation” and how this resource prohibition would apply during lengthy and multi-jurisdictional joint state and federal operations. The bill prohibits a California LEA from using resources to assist in an “operation” if they have information that the federal or out-of-state LEA engaged in or will engage in certain prohibited conduct “in that operation.” In the context of a multi-year, multi-jurisdictional investigation into an organized criminal network, a discovery of prohibited activity during a particular enforcement action that took place outside California could arguably require the withdrawal of California LEA personnel and resources for the remainder of the operation. The scope of this prohibition may depend upon how narrowly or broadly a given California LEA interprets the term “operation.”

- 5) **Argument in Support:** According to *ACLU California Action* and the *CHIRLA*, the sponsors of this bill, SB 1105, “will ensure that our tax dollars and our police personnel time are not wasted on the Trump Administration’s efforts to racially profile or silence Californians. It is time to close the door on the Trump administration using California law enforcement to harass the communities local law enforcement is sworn to protect...”

“Trump is augmenting his campaign against our freedoms by trying to commandeer local and state police to implement his agenda. The Legislature must not allow this Administration to pull local and state resources away from California priorities in service of Trump’s disruptive agenda...”

“Unfortunately, our law enforcement agencies have also been diverted to serve Trump’s political agenda. Over the past year, local police from multiple jurisdictions and state police from the California Highway Patrol have frequently responded to calls from federal agents that result in legal observers being stopped for First Amendment activity. Moreover, local law enforcement, such as LAPD, have set up perimeters for ICE while federal agents perform immigration raids and brutalize people documenting and protesting those raids.

“Beyond unnecessarily straining local law enforcement resources, the administration’s push to blur the lines between local and federal law enforcement has eroded community trust in their local police departments. When people fear law enforcement, they are less likely to report crimes, seek help, or cooperate with police. Collaboration between local law enforcement and ICE fuels distrust and interferes with helping victims and survivors.

“Notably, the Protect California Rights Act does not increase liability for individual officers. Rather, it ensures that California law enforcement agencies adopt sufficient policies to protect their resources and personnel from federal overreach that violates Californians’ rights. By doing so, it also prevents California officers from being pulled into unlawful conduct for which they could be held liable under existing law. Most importantly, SB 1105 protects our limited resources, so they are used to serve our state’s values and priorities, not to silence Californians and fuel a racially discriminatory deportation force.”

- 6) **Argument in Opposition:** According to the *Association for Los Angeles Deputy Sheriffs (ALADS)*, “SB 1105 would significantly limit the ability of California law enforcement agencies to participate in collaborative public safety efforts that are essential to combating

serious criminal activity. Although the bill is framed around concerns regarding federal enforcement actions, its provisions reach far beyond immigration matters and threaten a wide range of longstanding partnerships between local, state, and federal agencies.

“The bill establishes restrictions that could effectively prevent local agencies from participating in joint operations based solely on the possibility that a federal partner may engage in conduct prohibited by the measure. This standard places local agencies in the difficult position of evaluating the actions of partner agencies and predicting potential future conduct, rather than focusing on their own responsibilities and public safety missions. Such a framework creates uncertainty and may discourage agencies from participating in otherwise lawful and productive collaborative efforts.

“SB 1105 also defines prohibited assistance so broadly that routine law enforcement functions could be called into question. Activities such as information sharing, operational planning, communications support, scene security, and officer safety coordination are fundamental components of multi-agency operations. Restricting these activities would make it more difficult for agencies to work together effectively and safely when addressing complex criminal investigations.

“These partnerships are critical to efforts targeting violent gangs, transnational criminal organizations, human trafficking networks, narcotics trafficking, child exploitation, cybercrime, and dangerous fugitives. Successful task force operations depend upon cooperation and coordination among agencies with different authorities, expertise, and resources. Limiting that cooperation risks weakening investigations and reducing the effectiveness of public safety operations throughout California.”

- 7) **Related Legislation:** SB 937 (Gonzalez), among other things, expands existing prohibitions against the use of kinetic energy projectiles and chemical agents to federal law enforcement agencies. SB 937 is pending a hearing in the Assembly Appropriations Committee.

8) **Prior Legislation:**

- a) SB 627 (Wiener), Chapter 125, Statutes of 2025, made it a crime for a law enforcement officer, as defined, to wear a facial covering in the performance of the duties, except as specified, and required any LEA operating in California to maintain and publicly post a written policy limiting the use of facial coverings, as specified.
- b) AB 421 (Solache), of the 2025-2026 Legislative Session, would have prohibited LEAs from collaborating with immigration authorities regarding immigration enforcement actions when the actions are taking place within a radius of one mile of a childcare or daycare facility, a religious institution or place of worship, or a hospital or medical office. The hearing on AB 421 was cancelled at the request of the author.
- c) SB 805 (Pérez), Chapter 126, Statutes of 2025, required LEAs to adopt policies on visible display of identification, required specified law enforcement officers operating in California who are not uniformed to visibly display identification that includes either a name or badge number to the public when performing their duties; and expanded the crime of false personation of a peace officer.

- d) SB 54 (De León), Chapter 495, Statutes of 2017, limits the involvement of state and local LEAs in federal immigration enforcement.

REGISTERED SUPPORT / OPPOSITION:

Support

ACLU California Action
Alliance for Boys and Men of Color
Alliance of Californians for Community Empowerment (ACCE) Action
American Friends Service Committee
Asian Americans Advancing Justice Southern California
Asian Americans and Pacific Islanders for Civic Empowerment
California Attorneys for Criminal Justice
California Community Foundation
California Faculty Association
California Public Defenders Association
Chispa, a Project of Tides Advocacy
Coalition for Humane Immigrant Rights (CHIRLA)
Communities United for Restorative Youth Justice (CURYJ)
Community Legal Services in East Palo Alto
County of Orange, Second District Office of Supervisor Sarmiento
Courage California
Debt Free Justice California
Decrimsexworkca (DECRIMSWCA)
Democrats of Rossmore
Ella Baker Center for Human Rights
Environmental Health Coalition
Friends Committee on Legislation of California
Homeless United for Friendship and Freedom
Justice2jobs Coalition
LA Defensa
League of Women Voters of California
Local 148 Los Angeles County Public Defender's Union
Multi-faith Action Coalition
Peace and Justice Law Center
Pilipino Workers Center of Southern California
Privacy Defense Alliance
Public Counsel
Rubicon Programs
Santa Monica Democratic Club
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Beyond Impact
Southeast Asia Resource Action Center (SEARAC)
The Gathering for Justice
Transitions Clinic Network
Women's March Action

Opposition

Arcadia Police Officers' Association
Association for Los Angeles Deputy Sheriffs
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 Indian Legal Services
California Narcotic Officers' Association
California Peace Officers' Association
California Police Chiefs Association
California Reserve Peace Officers Association
California State Sheriffs' Association
California Tribal Police Chiefs Association
Chief Probation Officers' of California (CPOC)
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
LA Habra: City of
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Orange County Sheriff's Department
Palos Verdes Police Officers Association
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
7 Private Individuals

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