

SENATE THIRD READING
SB 1105 (Pérez)
As Amended August 13, 2026
Majority vote

SUMMARY

Limits the arrest authority of federal law enforcement officers and 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, among other changes.

Major Provisions

- 1) Modifies 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 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, 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.
 - i) States that deputized tribal law enforcement officers of the federal Bureau of Indian Affairs are not California peace officers, but may exercise the powers of arrest of a peace officer, subject to provisions of law prohibiting law enforcement officers from wearing facial coverings and requiring officers to display identification, in any of 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, for violations of state or local law, and to take into custody a person with a mental health disorder based on probable cause, as specified.
 - ii) When engaged in the enforcement of federal criminal law and exercising arrest powers only incidental to the performance of those federal duties.
 - iii) When providing or attempting to provide law enforcement services in response to a request initiated by peace officers to assist in preserving the peace and protecting Indian reservations or rancherias, and other tribal lands held in trust by the federal government for which peace officers are responsible, pursuant to specified federal law.
 - j) Requires a deputized tribal law enforcement officer of the federal Bureau of Indian Affairs, prior to the exercise of these arrest powers, to have been certified by their agency head as having satisfactorily completed a specified Commission on Peace Officer Standards and Training (POST) course of training, or the equivalent thereof.
- 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 solely on constitutionally protected expressive conduct.

- c) 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.
 - d) 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) 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.
- 5) 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.
- 6) States that this bill's restrictions on interagency agreements and California LEA's use of resources to assist federal or out-of-state LEA operations shall not be construed to render an interagency agreement void and unenforceable based solely on a federal law enforcement officer or out-of-state law enforcement officer engaging in prohibited interagency conduct.
- 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) "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 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.

COMMENTS

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."

Arguments in Support

According to *ACLU California Action* and the *Coalition for Humane Immigrant Rights (CHIRLA)*, the co-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...

"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. Additionally, 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. The costs of distracting hundreds of officers from their local assignments are compounded by required overtime compensation. For example, in Los Angeles, it costs the city approximately \$85 an hour to deploy an officer. In June 2025, during the peak of ICE activity in California, LAPD alone spent nearly \$41 million on overtime pay. By the end of the fiscal year, LAPD was overbudget by \$85 million.

"SB 1105 will protect local budgets from the unnecessary strain of being commandeered to assist illegal federal actions. The Protect California Rights Act ensures that our resources are used to serve our state's values and priorities, not to silence Californians.

"SB 1105 will increase police accountability with minimal, if any, cost to taxpayers because the bill primarily affirms existing law.

"Over the past decade, the Legislature has passed a number of civil rights protections – our laws prevent police from singling people out based on race, shield our resources from being used to tear apart immigrant families, and safeguard our right to peacefully assemble and protest without being subjected to militarized attacks. SB 1105 takes the important step of clarifying for law enforcement agencies that they cannot participate in federal actions that break these existing laws..."

Arguments in Opposition

According to the *Peace Officers' Research Association of California (PORAC)*, "PORAC appreciates the recent amendments to SB 1105, which have addressed many of our previous concerns. However, we remain concerned with Section 3(c), which could require a California law enforcement agency to cease participation in an ongoing joint operation with a federal or out-of-state law enforcement partner based on the actions of that partner.

"California law enforcement agencies routinely participate in joint task forces and operations pursuant to memorandums of understanding that may last for months or even years. Under Section 3(c), if a participating federal or out-of-state agency engages in prohibited conduct during a specific operation, a California agency could be required to withdraw its personnel and resources from that operation.

"This creates significant uncertainty for long-term task forces and other joint operations addressing human trafficking, fentanyl trafficking, organized crime, terrorism, and other multi-jurisdictional criminal activity. The bill also does not clearly define the scope of a "specific operation" or provide a clear process for when an agency may resume participation.

"For these reasons, PORAC respectfully requests that Section 3(c) be removed from the bill. With this amendment, PORAC would remove its opposition to SB 1105."

FISCAL COMMENTS

According to the Assembly Appropriations Committee, "Reimbursable state-mandated costs (General Fund) to local law enforcement agencies of an unknown amount, likely minor per

agency but potentially significant in the aggregate. This bill requires local LEAs to amend existing interagency agreements by July 1, 2027, and to conform new agreements to the bill's requirements. There are 455 police departments and 58 county sheriffs' departments in the state. These costs are likely reimbursable from the General Fund, subject to a determination by the Commission on State Mandates, to the extent a local agency files a reimbursement claim."

VOTES

SENATE FLOOR: 21-13-6

YES: Allen, Arreguín, Ashby, Becker, Cortese, Durazo, Gonzalez, Grayson, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Wahab, Wiener

NO: Alvarado-Gil, Blakespear, Cabaldon, Caballero, Choi, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Umberg, Valladares

ABS, ABST OR NV: Archuleta, Cervantes, Dahle, Hurtado, Stern, Weber Pierson

ASM PUBLIC SAFETY: 6-1-2

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

NO: Lackey

ABS, ABST OR NV: Alanis, Nguyen

ASM APPROPRIATIONS: 11-4-0

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

NO: Hoover, Dixon, Ta, Tangipa

UPDATED

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