

SENATE THIRD READING
SB 1105 (Pérez)
As Amended August 20, 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) Subjects federal officers assisting California law enforcement officers in carrying out emergency operations, who have state peace officer arrest authority, as specified, to provisions of law prohibiting law enforcement officers from wearing facial coverings and requiring officers to display identification.
 - i) *States that duly authorized federal employees of the U.S. Fish and Wildlife Service, U.S. Forest Service, National Park Service except for national park rangers, or the Bureau of Land Management who comply with specified training requirements and provisions of law prohibiting officers from wearing facial coverings and requiring officers to display identification, are peace officers if they are engaged in enforcing the Fish and Game Code 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, as applicable, in whose jurisdiction the property is situated.*
 - j) 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.
 - k) 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 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.

- 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. Immigration and Customs Enforcement (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. 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.

"The Trump Administration is blatantly ignoring our laws and threatening our freedoms. 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. Yet over the past year, the Trump administration has made it clear that they have no respect for our laws or the safety of our communities.

"Federal agents have violated our laws and brutalized countless Californians. As many have seen firsthand, DHS agents have been terrorizing communities through "roving patrols" that illegally stop, kidnap, and disappear someone based on their race. When brave Californians have taken to the street to protest ICE's abuses, they have been met with outright violence. Two Californians were recently shot in the face with "less lethal" ammunition, leaving them permanently blind. Others have chosen to protect their communities by serving as legal observers in their neighborhoods, only to find themselves the targets of ICE surveillance operations...

"The Protect California Rights Act will prevent local law enforcement from being forced to serve as foot soldiers for the federal government.

"More specifically, the bill will:

- 1) Require interagency agreements with the federal government and out-of-state law enforcement to expressly state that California law enforcement will not engage in racial profiling, criminalization of speech, or use of unauthorized weapons of war.
- 2) Ensure that our state does not give federal law enforcement officers acting beyond their federal jurisdiction broad power to stop and arrest Californians.

"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."

Arguments in Opposition

According to the *California State Sheriff's Association*, SB 1105 "would prohibit a California law enforcement agency from entering into an interagency agreement with other law enforcement agencies unless a written agreement specifying certain conditions is in place.

"This bill could restrict local participation in joint law enforcement operations and create major barriers to critical public safety partnerships, all in the name of attempting to ensure that California law enforcement agencies will not engage in activities they are already prohibited from engaging in by statute. SB 1105 extends far beyond immigration enforcement and could impact terrorism, gang, fentanyl, human trafficking, and fugitive task force operations. Routine activities such as intelligence sharing, perimeter security, communications support, tactical coordination, and officer safety assistance could become restricted.

"Joint task forces are responsible for the arrests of hundreds of criminals engaged in human and drug trafficking and the seizure of millions of dollars' worth of illegal weapons and controlled substances. This bill places these joint task force operations in jeopardy.

"SB 1105 is layered upon existing sanctuary state laws that already restrict California law enforcement's engagement in task force operations. The bill is a step backward for public safety coordination and risks weakening critical law enforcement operations as we prepare for major worldwide events, including the 2028 Olympic and Paralympic games."

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, McNeerney, 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

VERSION: August 20, 2026

CONSULTANT: Ilan Zur / PUB. S. / (916) 319-3744

FN: 0003937