

UNFINISHED BUSINESS

Bill No: SB 1105
Author: Pérez (D), et al.
Amended: 8/20/26
Vote: 21

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

SENATE FLOOR: 21-13, 5/27/26

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

NOES: Alvarado-Gil, Blakespear, Cabaldon, Caballero, Choi, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Umberg, Valladares

NO VOTE RECORDED: Archuleta, Cervantes, Dahle, Hurtado, Stern, Weber Pierson

ASSEMBLY FLOOR: Passed, 8/25/26

SUBJECT: Law enforcement

SOURCE: ACLU California Action

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 (LEA) from entering into an interagency agreement with a federal law enforcement agency unless the agreement expressly prohibits the California agency from engaging in specified prohibited conduct.

Assembly Amendments create carveouts to the arrest authority limitations for deputized tribal law enforcement officers of the federal Bureau of Indian Affairs and authorized federal employees of the US Fish and Wildlife Service, the Forest Service, the National Park Service, and the Bureau of Land Management; strike references to the National Security Presidential Memorandum No. 7; remove the prohibition against the use of departmental resources or personnel by an LEA to assist in an operation executed by a federal or out of state agency that involves proscribed activities, 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 an LEA 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. (Government (Gov.) Code, §§ 7070 et. seq.)
- 11) The California Values Act, generally prohibits California law enforcement agencies from using agency moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, from placing officers under the supervision of federal agencies for the purpose of immigration enforcement, and from cooperating in other specified ways with federal immigration authorities. (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 an LEA 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) Limits the authority of federal law enforcement officers and criminal investigators (federal officers) to exercise the arrest authority of a California peace officer, 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.

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

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.

SUPPORT: (Verified 8/25/26)

ACLU California Action (source)
Alianza Coachella Valley
All of US or None (HQ)
Alliance for a Better Community
Alliance for Boys and Men of Color
Alliance of Californians for Community Empowerment (ACCE) Action
Alliance San Diego
American Friends Service Committee
Anti Police-terror Project
Asian Americans Advancing Justice Southern California
Asian Americans and Pacific Islanders for Civic Empowerment
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
Communities United for Restorative Youth Justice
Community Legal Services in East Palo Alto
County of Orange, Second District Office of Supervisor Sarmiento
Courage California
Debt Free Justice California
Decrimsexworkca
Democrats of Rossmoor
Drug Policy Alliance
Electronic Frontier Foundation
Ella Baker Center for Human Rights
Environmental Health Coalition

Friends Committee on Legislation of California
Homeless United for Friendship and Freedom
Initiate Justice
Justice2jobs Coalition
La Defensa
Latino Community Foundation
League of Women Voters of California
Legal Services for Prisoners With Children
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
Oakland; City of
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
Southeast Asia Resource Action Center
The Gathering for Justice
The San Diego Lgbt Community Center
The W. Haywood Burns Institute
Transitions Clinic Network
Western Center on Law & Poverty
Women's March Action

OPPOSITION: (Verified 8/25/26)

Arcadia Police Officers' Association
Association for Los Angeles Deputy Sheriffs
Association of Orange County 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 Reserve Peace Officers Association
California State Sheriffs' Association
California Statewide Law Enforcement Association
California Tribal Police Chiefs Association
Chief Probation Officers' of California
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fraternal Order of Police
Fullerton Police Officers' Association
LA Habra: City of
Long Beach Police Officers Association
Los Angeles Police Protective League
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
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside County Sheriff's Office
Riverside Police Officers Association
Riverside Sheriffs' Association
Sacramento County Deputy Sheriffs Association
San Bernardino County Sheriff's Employees' Benefit Association
Santa Ana Police Officers Association
SCI California Coalition

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