

SENATE THIRD READING
SB 805 (Pérez and Wiener)
As Amended July 17, 2025
2/3 vote. Urgency

SUMMARY

Requires peace officers and federal law enforcement officers to visibly display identification when performing their enforcement duties, and requires a law enforcement agency operating in California to maintain and publicly post a written policy on the visible identification of sworn personnel, among other changes.

Major Provisions

- 1) Requires a law enforcement officer operating in California that is not uniformed, and therefore is not required to clearly display identification pursuant to existing law, to visibly display identification that includes their agency and either a name or badge number or both name and badge number when performing their enforcement duties, unless expressly exempt as specified.
- 2) Specifies that this identification requirement does not apply to:
 - a) An officer performing their duties during an active undercover operation, an officer assigned to Special Weapons and Tactics (SWAT) units and actively performing their SWAT responsibilities;
 - b) An officer wearing personal protective equipment that physically prevents the display of identification; or,
 - c) In exigent circumstances involving an imminent danger to persons or property, the escape of a perpetrator, or the destruction of evidence.
- 3) Makes a willful and knowing violation of the above identification requirement punishable as a misdemeanor, except where the law enforcement agency of the officer maintains and publicly posts a written policy that requires the visible identification of sworn personnel.
- 4) Defines a "law enforcement officer," for the purpose of the above identification requirement, to mean a peace officer and any federal law enforcement officer.
- 5) Requires a law enforcement agency operating in California to maintain and publicly post a written policy on the visible identification of sworn personnel, which shall include, at minimum, the following:
 - a) A requirement that all sworn personnel visibly display identification that includes their agency and either a name or badge number, or both name and badge number, when performing enforcement duties.
 - b) A list of narrowly tailored exemptions for the following:
 - i) Officers engaged in active undercover operations;
 - ii) Officers wearing personal protective equipment that prevents display;

- iii) Exigent circumstances, involving an imminent danger to persons or property, or the escape of a perpetrator, or the destruction of evidence; and,
 - iv) When there is a specific, articulable, and particularized reason to believe identification would pose a significant danger to the physical safety of the peace officer.
- 6) Defines "enforcement duties," for purposes of such a policy, to mean active and planned operations involving the arrest or detention of an individual, or deployment for crowd control purposes.
 - 7) States that a law enforcement agency policy described above shall be deemed consistent the requirement that law enforcement officers visibly display identification when performing their enforcement duties, unless a verified written challenge to its legality is submitted to the head of the agency by a member of the public, an oversight body, or a local governing authority, at which time the agency shall be afforded 90 days to correct any deficiencies in the policy.
 - 8) Specifies that if, after 90 days, the agency has failed to adequately address the complaint, the complaining party may proceed to a court of competent jurisdiction for a judicial determination of whether the agency's policy exempts the agency and its personnel from the requirement that law enforcement officers visibly display identification as well as the associated criminal penalties for violating this provision.
 - 9) Specifies that the agency and its employees' exemptions shall remain in effect unless a court rules the agency's policy is not in compliance with the requirement that law enforcement officers visibly display identification, and the associated criminal penalties for violating this provision, and all potential appeals to higher courts have been exhausted by the agency.
 - 10) Broadens the misdemeanor crime of willfully and credibly impersonating a peace officer, member of the fire department, deputy fire marshal, public utility or district employee, state, county, or city employee, or search and rescue personnel on an internet website or by other electronic means for the purpose of defrauding another, to include impersonations of such persons *by any other means*.
 - 11) Specifies, for the purpose of the misdemeanor crimes of fraudulently impersonating a peace officer or impersonating a peace officer for the purpose of defrauding another, as specified, a "peace officer" includes any federal law enforcement officer.
 - 12) Prohibits an individual authorized to apprehend a bail fugitive, an authority given to bail fugitive recovery agents, as defined, or a bail agent, bail permittee, bail solicitor, or licensed private investigator who also a bail fugitive recovery agent, from using that position for the purposes of immigration enforcement, except pursuant to a valid judicial warrant or court order.
 - 13) Prohibits such persons authorized to apprehend a bail fugitive from disclosing or providing in writing, verbally, or in any other manner, personally identifiable information of any bail fugitive that is requested for purposes of immigration enforcement, except pursuant to a valid judicial warrant or court order.

- 14) Defines "immigration enforcement" as any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in, the United States.
- 15) Specifies that the above prohibitions pertaining to individuals authorized to apprehend a bail fugitive 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 any individual, or maintaining or exchanging that information with any other federal, state, or local governmental entity, pursuant to specified federal law.
- 16) Authorizes a peace officer to request an alleged law enforcement officer, which includes a peace officer and any federal law enforcement officer, to present identification when there is probable cause or reasonable suspicion to believe the alleged law enforcement officer has committed a crime, including, but not limited to, impersonating a peace officer, as specified.
- 17) Includes a severability clause.
- 18) Makes this bill an urgency statute.
- 19) Includes specified findings and declarations.

COMMENTS

According to the Author

"We are facing an extraordinary moment in California. Masked individuals with no name identification, no uniforms, driving unmarked vehicles, and carrying firearms are taking our neighbors – both immigrants and American citizens – in broad daylight. When asked by members of the public to provide badge numbers, they refuse. We assume they are federal agents from Homeland Security or ICE. However, unless these individuals provide proper identification, we simply do not know.

"When we receive reports of these individuals using excessive force without identification, there is no way to ensure oversight or accountability. Across the country, there have also been reports of criminals impersonating ICE officers, using threats and intimidation to target vulnerable communities. When immigration enforcement officers fail to identify themselves, they create opportunities for vigilantes to target our communities. This lack of transparency fosters confusion, fear, and mistrust in communities across the state.

"SB 805, the No Vigilantes Act, will expand the scope of existing impersonation laws, and require law enforcement operating in California to display identification featuring their name or badge number. It will also authorize law enforcement to request identification from anyone claiming to be an officer if there is reasonable suspicion of criminal activity, such as impersonating a peace officer, kidnapping, or when there is a legitimate safety concern.

Additionally, it will prohibit bounty hunters from engaging in any form of immigration enforcement.

"This is a common-sense proposal to prevent impersonating law enforcement officers, while ensuring basic oversight and accountability during enforcement actions."

Arguments in Support

According to the *Peace Officers Research Association of California (PORAC)*, "We are pleased to inform you of our support for your SB 805, a thoughtful, targeted response to growing concerns about transparency and impersonation in law enforcement — one that upholds public trust without criminalizing the peace officers already meeting California's high standards."

"Recent events have understandably raised concerns about individuals operating in public without visible identification. While those concerns are valid, it's important to note that California peace officers are not ICE and do not enforce federal immigration law. In fact, Penal Code Section 830.10 already requires California officers to wear visible identification, and most departments go well beyond that baseline.

"SB 805 reflects what Californians truly want: a clear distinction between legitimate peace officers and unregulated actors who may exploit the appearance of authority. The bill addresses incidents where unmarked individuals, including private actors or federal personnel, have caused fear and confusion in local communities. In some cases, impersonators have been reported to 911 as suspected kidnappers.

"SB 805 responds to these issues with practical, meaningful reforms:

- 1) Expands impersonation laws to include federal officers and deceptive uniforms or badges.
- 2) Reinforces existing law by clarifying when and how officers must display visible identification.
- 3) Authorizes officers to request identification from anyone claiming to be law enforcement when there is reasonable suspicion of criminal activity
- 4) Prohibits bounty hunters from engaging in immigration enforcement without a valid judicial warrant.
- 5) Requires law enforcement agencies to adopt and publicly post written ID policies with clear standards and exemptions, subject to public challenge and judicial review.
- 6) This bill strengthens public safety by ensuring officers can be identified when appropriate, without placing unnecessary restrictions on those already in compliance. It also reinforces California's authority to protect its residents from impersonation, deception, and unlawful detention, while maintaining officer safety and operational flexibility.

"SB 805 does not cast blame. It focuses squarely on closing gaps in the law and holding accountable those operating outside of it."

Arguments in Opposition

According to the *Riverside Police Officers Association*, "SB 805...purports to enact certain mandates for law enforcement officers and criminally punish those who impersonate peace officers."

"In reality, this bill largely restates current law in an unconstitutional attempt to impose state law on employees of the federal government while weakening safety and identity protections granted to state and local officers under California law."

"SB 805 requires all law enforcement officers to visibly display identification that includes either a name or badge number.

- 1) Current law already requires the visible display of identification that includes either a name or badge number of a uniformed peace officer. [PC Section 830.10]

"SB 805 exempts undercover officers from the badge/nameplate requirement.

- 1) Current law already exempts undercover officers from this requirement. [PC Section 830.10]

"SB 805 fails to exempt law enforcement officers from the badge/nameplate requirement who are not in uniform such as plainclothes officers, detectives, etc.

- 1) *Current law exempts officers who are not in uniform* from the badge/nameplate requirement such as plain clothes, detectives, etc. [PC Section 830.10]

"SB 805 prohibits willfully and credibly impersonating a law enforcement officer through any means for the purpose of defrauding another.

- 1) Current law already criminalizes impersonating a law enforcement officer and without requiring the prosecution prove the impersonation was "for the purpose of defrauding another." [PC Section 538]

"SB 805 authorizes a law enforcement authorize law enforcement to request an alleged government employee to present identification when there is probable cause or reasonable suspicion of a crime.

- 1) Again, current law already vests law enforcement with the authority to request identification of anyone when there is probable cause or reasonable suspicion of a crime.

"SB 805 restates current law while exposing non-uniformed officers to greater risk for themselves and their families."

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Possibly reimbursable costs (local funds) to each law enforcement agency that operates in California and must adopt a conforming identification policy. There are approximately 600 law enforcement agencies in California. These costs are unlikely to be significant for each agency, but in the aggregate statewide may be in the low hundreds of thousands of dollars

one-time. The state must reimburse these costs from the General Fund if the Commission on State Mandates determines the duties imposed by this bill constitute a reimbursable state mandate.

- 2) Cost pressures (Trial Court Trust Fund, General Fund, of an unknown but potentially significant amount, to the courts to adjudicate misdemeanor charges for the crimes created and expanded by this bill. A defendant charged with a misdemeanor is entitled to a jury trial and, if the defendant is indigent, legal representation provided by the government. Actual court costs will depend on the number of violations and the amount of court time needed to adjudicate each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The fiscal year 2025-26 state budget provides \$82 million ongoing General Fund to the Trial Court Trust Fund for court operations.
- 3) Costs (local funds, General Fund) to the counties to incarcerate people convicted of the misdemeanors created and expanded by this bill. Actual incarceration costs will depend on the number of convictions and the length of each sentence. The average annual cost to incarcerate one person in county jail is approximately \$29,000, though costs are higher in larger counties. County incarceration costs are not subject to reimbursement by the state. However, overcrowding in county jails creates cost pressure on the General Fund because the state has historically granted new funding to counties to offset overcrowding resulting from public safety realignment.

VOTES

SENATE FLOOR: 36-0-4

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Wahab, Weber Pierson, Wiener
ABS, ABST OR NV: Hurtado, Reyes, Rubio, Valladares

ASM PUBLIC SAFETY: 7-0-2

YES: Schultz, Mark González, Haney, Harabedian, Nguyen, Ramos, Sharp-Collins
ABS, ABST OR NV: Alanis, Lackey

ASM APPROPRIATIONS: 11-4-0

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache
NO: Dixon, Jeff Gonzalez, Ta, Tangipa

UPDATED

VERSION: July 17, 2025

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