
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 938 (Menjivar) - Peace officers: qualifications

Version: April 23, 2026

Urgency: No

Hearing Date: May 11, 2026

Policy Vote: PUB. S. 5 - 1

Mandate: Yes

Consultant: Bob Franzoia

Bill Summary: SB 938 would disqualify a person from being a peace officer if they were previously employed as a sworn law enforcement officer by a federal agency engaged in immigration enforcement and personally assisted with immigration enforcement, as defined, after January 20, 2025, except as specified. The bill would authorize a person to apply for eligibility as a peace officer only after a minimum cooling-off period of 10 years from the date of separation from the federal immigration enforcement agency.

Fiscal Impact: Minor costs to state law enforcement agencies (General Fund, special funds).

Minor costs to local law enforcement agencies. To the extent this bill would impose additional duties on local law enforcement agencies, this bill would impose a state-mandated local program (General Fund).

Background: Government Code 1029, as amended by this bill, contains numerous provisions governing the qualifications, standards and training of peace officers. The code section further specifies circumstances that disqualify a person from holding office or being employed as a peace officer, including among other things, having been convicted of a felony.

Staff Comments: The disqualification of a person who was previously employed as a sworn law enforcement officer by a federal agency engaged in immigration enforcement and personally assisted with immigration enforcement, while an additional vetting point, would be readily determined.

How a law enforcement agency vetting a person for employment as a peace officer will assess the degree to which the person personally assisted with immigration enforcement will likely vary by agency.

Related Legislation: AB 1627 (Avila Farias) defines "law enforcement officer" and "employed in law enforcement," for purposes of an existing provision that disqualifies persons whose prior law enforcement certification was revoked for misconduct or who engaged in serious misconduct in another jurisdiction, to include a law enforcement officer employed in any state or U.S. territory or by the federal government who engages in immigration enforcement.

AB 1896 (M. González and Rivas), the GTFO Act, disqualifies a person previously employed by an entity engaged in immigration enforcement, between January 20, 2025, and January 20, 2029, from public employment in California, with specified exceptions for California state and local law enforcement agencies engaged in immigration enforcement. AB 1896 is on the Assembly Appropriations Committee Suspense File.

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