

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 938 (Menjivar) – As Amended June 16, 2026

Policy Committee: Public Safety

Vote: 8 - 1

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill makes certain United States Immigration and Customs Enforcement (ICE) officers ineligible for waivers of California peace officer basic training requirements.

Specifically, this bill:

- 1) Prohibits any individual hired as a sworn federal law enforcement officer for the purposes of detention operations or removal operations by ICE on or after January 1, 2025, from being eligible to apply for any Regular Basic Course Waiver, including the specialized waiver training, as set forth in regulations of the Commission on Peace Officer Standards and Training (POST) or any successor regulation.
- 2) Makes legislative findings and declarations regarding the integrity of California peace officer training standards and the non-equivalence of federal immigration enforcement service.

FISCAL EFFECT:

No significant fiscal effect on POST. POST reports that its regulations contain no categorical statement that ICE officers do not qualify for a Regular Basic Course waiver; rather, ineligibility results from the waiver evaluation itself. According to POST, ICE basic training is usually specialized and not commensurate with California's Regular Basic Course, and ICE officers' daily duties do not match "general law enforcement" as defined in POST Regulation 1001 — both factors POST considers in the basic course waiver process. Waiver applications from individuals whose only law enforcement background is ICE service therefore generally would not qualify under existing evaluation standards.

COMMENTS:

- 1) **Purpose.** According to the author:

It is the duty of the State of California to ensure that our law enforcement officers are held to the highest standards, training, and qualifications...

SB 938, as amended, ensures that a sworn federal law enforcement officer hired by the United States Immigration and Customs Enforcement on or after January 20, 2025, cannot apply for any required Basic Course Waivers, including the specialized training

waiver. This ensures they are held to the same standards as our current local law enforcement and undergo the same rigorous training.

- 2) **Background.** Peace officer applicants generally must complete the POST-certified Regular Basic Course, a minimum of 680 hours of training across 43 learning domains. POST regulations permit a basic course waiver for individuals with qualifying out-of-state or federal law enforcement training and experience that POST deems sufficiently equivalent, subject to a four-step evaluation process and a 161-hour requalification course; employing agencies retain discretion whether to accept a waiver.

Existing regulations contain no categorical exclusion of ICE training and experience. POST reports, however, that ICE basic training is usually specialized and not commensurate with the Regular Basic Course, and that ICE officers' duties do not match "general law enforcement" as defined in POST Regulation 1001 — factors POST considers in the waiver evaluation process. As a result, waiver applicants whose qualifying experience consists of ICE service generally do not qualify under existing standards. This bill converts that case-by-case outcome into a categorical statutory bar for a defined population, making individuals hired by ICE on or after January 1, 2025 for detention or removal operations ineligible to apply for a waiver and requiring any such individual seeking appointment as a California peace officer to complete the full basic course. According to the author, the federal government has accelerated ICE training to a six-week program amid a rapid enforcement hiring expansion, raising concerns that federal training is insufficient preparation for the constitutional, deescalation, use-of-force, and community-facing responsibilities of California peace officers. Because this bill conditions waiver ineligibility on recent employment with a single federal agency, this bill may draw a constitutional challenge under the Supremacy Clause and the intergovernmental immunity doctrine, which prohibits state laws that discriminate against the federal government or those with whom the federal government deals. This bill's defenders note the bill regulates only the qualifications for state peace officer service — an area of core state authority. To the extent this bill is challenged, the Department of Justice would incur costs to defend the statute.

- 3) **Related Legislation.** AB 1896 (M. Gonzalez), pending in the Senate Appropriations Committee, disqualifies persons employed by entities engaged in immigration enforcement between January 2025 and January 2029 from peace officer employment.
- 4) **Proposed Amendments.** The committee and the author have agreed to amend the bill to replace the categorical eligibility bar in the current version with a standard governing how POST evaluates waiver applications. Under the amendment, service as a sworn federal law enforcement officer whose primary duties consisted of immigration inspection, border enforcement, or the apprehension, detention, or removal of noncitizens, along with the training required for that service, would not, standing alone, constitute qualifying training, experience, and education for purposes of a Regular Basic Course Waiver.