

SENATE THIRD READING  
SB 938 (Menjivar)  
As Amended August 06, 2026  
Majority vote

## SUMMARY

Makes certain United States Immigration and Customs Enforcement (ICE) officers ineligible for specified peace officer training waivers.

### Major Provisions

- 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 specified in California Regulations relating to minimum standards for peace officer training, or any successor regulation.
- 2) Makes legislative findings and declarations.

## COMMENTS

### 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. Most law enforcement agencies have built long-lasting trust with the communities in which they serve, and this bill seeks to protect that trust. The federal government has modified and accelerated its training to a 6-week program to meet its aggressive hiring efforts. As a result we have seen various reports documenting patterns of misconduct and harmful enforcement practices associated with Immigration and Customs Enforcement operations across California and nationwide. These individuals appear to have no regard for the rule of law and lack the necessary training to qualify for lateral waivers.

"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."

### Arguments in Support

According to the *Mexican American Legal and Educational Fund (MALDEF)*, "The bill preserves the integrity of California's peace officer training standards by ensuring that recent federal immigration enforcement service does not establish eligibility for a Regular Basic Course Waiver.

"The Regular Basic Course and the limited waiver process for that requirement serve that purpose. A Basic Course Waiver is not automatic reciprocity for prior out-of-state or federal service. It is a limited mechanism for determining whether an applicant's prior training, education, and experience are sufficiently equivalent to California's requirements for peace officer service. SB 938 appropriately recognizes that, for individuals hired by ICE on or after

January 1, 2025, federal immigration enforcement service should not establish eligibility for a Basic Course Waiver, because it is not necessarily equivalent to service as a California peace officer performing general law enforcement duties.

"Federal immigration enforcement officers operate under different legal authorities, policies, command structures, operational objectives, and accountability systems than California peace officers. Their work is primarily directed toward federal immigration enforcement, detention, and removal operations. That work does not necessarily provide the same training or experience in, among other things, local patrol responsibilities, constitutional policing, community interaction, and de-escalation principles, and state-law arrest and use-of-force standards.

"California is not required to treat recent ICE detention or removal experience as equivalent to California peace officer training. Nor should California assume that such experience prepares an individual to exercise California peace officer authority without completing the state's basic training requirements. SB 938 does not regulate federal hiring, deployment, discipline, or operations. It regulates only the qualifications required before an individual may serve as a California peace officer.

"This distinction is important. The bill does not prevent the federal government from employing or training immigration enforcement officers. It does not interfere with federal immigration enforcement operations. It simply ensures that California maintains control over the minimum qualifications for California peace officers and does not treat federal immigration enforcement service as a substitute for California's own peace officer training standards."

### **Arguments in Opposition**

No longer applicable.

## **FISCAL COMMENTS**

According to the Assembly Appropriations Committee, "No significant fiscal effect on by the Commission on Peace Officer Standards and Training (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."

## **VOTES**

### **SENATE FLOOR: 30-9-1**

**YES:** Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

**NO:** Alvarado-Gil, Choi, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares  
**ABS, ABST OR NV:** Dahle

**ASM PUBLIC SAFETY: 8-1-0**

**YES:** Schultz, Alanis, Mark González, Haney, Harabedian, Nguyen, Ramos, Sharp-Collins

**NO:** Lackey

**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**

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