



La Palma City Council
November 21, 2017

Senate Bill 54 Update



Senate Bill 54

- **Signed by the Governor on October 5, 2017**
- **Effective January 1, 2018**
- **Prohibits state and local law enforcement agencies from using money or personnel for specified immigration enforcement purposes**
- **Amends Assembly Bill 4 (Trust Act)**
- **Enacts California Values Act**



Amendments to Trust Act

- **Removes express authorization for immigration detainer**
- **Law enforcement to have discretion to cooperate with immigration**
- **Only if doing so does not violate various statutes**
- **Local agency may respond to a request for notification or transfer of an inmate convicted of a Trust Act crime**



Amendments to Trust Act

- **Trust Act crime**
 - **Violent felony**
 - **Felony punishable by imprisonment in state prison**
 - **Offenses under Government Code section 7282.5(a)(3)**
- **No cooperation for misdemeanor crimes under Prop 47**
- **Local law enforcement can respond to requests of immigration if:**
 - **Arrested for violent felony and taken before a magistrate**
 - **Magistrate makes a finding of probable cause**



California Values Act Prohibits:

- **California law enforcement agencies from**
 - **Inquiring into an individual's immigration status**
 - **Detaining an individual on the basis of a hold request**
 - **Providing information regarding a person's release date**
 - **Other information not available to the public**
 - **Providing personal information not available to the public**



California Values Act

- **Prohibited immigration enforcement (cont)**
 - **Assisting immigration authorities in the activities described in 8 U.S.C. §1357(a)(3)**
 - **Making or intentionally participating in arrests based on civil immigration warrants**
 - **Performing the functions of an immigration officer**
- **Placing peace officers under the supervision of federal agencies**
- **Employing peace officers for immigration enforcement purposes**



California Values Act

- **Using immigration as interpreters**
- **Transferring an individual to immigration authorities unless authorized**
- **Providing office space within a city or county law enforcement facility for immigration enforcement**
- **Contracting with the federal government to house individuals as federal detainees, except pursuant to Chapter 17.8**



Law Enforcement Not Prohibited From:

- **Investigating, enforcing, detaining, or arresting an individual who unlawfully enters or attempts to reenter the United States following removal based upon conviction of a federal aggravated felony, provided that such entry or attempted reentry is detected during unrelated law enforcement activity**
- **Responding to a request for information about a specific individual's criminal history where otherwise permitted by law**



Law Enforcement Not Prohibited from:

- **Conducting enforcement or investigative duties in connection with a joint law enforcement task force, provided that certain conditions are met**
- **Making inquiries into information necessary to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa**
- **Giving immigration authorities access to interview an individual in custody. Such access must comply with the requirements in the TRUTH Act**



Other Changes

- **Reporting requirements for law enforcement agencies that elect to participate in a joint law enforcement task force**
- **Additional reporting requirements for the Attorney General (beginning March 1, 2019)**
- **Repeals Health and Safety Code section 11369, which requires arresting agencies to notify immigration authorities when a person is arrested for specified drug offenses and there is a reason to believe that such person may not be a United States citizen**



Fiscal Impact

- **Unknown fiscal impact**
- **Would be related to the loss of federal enforcement assistance as needed and depending on the specific circumstance**



Questions and Comments

Senate Bill 54