

Senate Bill 54 Review- Updated
Public Protection Committee- December 7, 2017

<p>SB 54 (Chapter 495, October 5, 2017) Effective Jan. 1, 2018¹ Amends Gov. Code §§ 7282, 7282.5², adds Gov. Code §§ 7284-7284.12; Repeals Health & Safety Code § 11369</p>	<p>Law enforcement officials may cooperate with immigration authorities in response to a notification request for persons convicted of specified felonies “within the last 15 years” - changed from convicted “anytime” in the past. § 7282.5(a)(3)</p>	<p>Sheriff Immigration Policy No. 1.02.28 (Rev. May 2017)</p> <p>Amendment suggested to reflect change in the law. <u>Current policy:</u> IV.F.3. c. Notification requests will be honored for any conviction or prior conviction for which the person is required to register on the California Sex and Arson Registry (CSAR) as a sex offender pursuant to PC 290 or as an arson offender pursuant to PC 457.1 d. Notification requests will be honored for (i) any felony conviction (at any time)...</p>	<p>Draft Probation Immigration Policy 428 (Rev. Oct. 2017)</p> <p>Complies. <u>Draft policy:</u> 428.6- The Probation Department shall not... C) Providing information regarding a person’s release dates or responding to requests for notification by providing release dates or other information unless that information is available to the public or is in response to a notification request from immigration authorities in accordance with Section 7282.5 of the Government Code.</p>
<p>1.</p>	<p>Law enforcement officials may cooperate with immigration authorities only if information is public or in response to a notification request for release date (such as I-247N³) if person arrested and taken before a magistrate for a serious or violent felony described in PC 667.5(c) or 1192.7(c), or a felony punishable by imprisonment in state prison. §7282.5(b); §7284.6(a)(1)(C)</p>	<p>Complies. <u>Current policy:</u> IV.F.3. The Office of the Sheriff will provide information in response to ICE requests for notification (forms I-247A and I-247N) in conjunction with the conditions set forth in subparagraphs a-e below. ICE requests for notification will be honored for inmates who have convicted of certain offenses or felonies, or convicted... a. As used in PC 1192.7(c), “serious felony” means... b. As used in PC 667.5(c), “violent felony” means...</p>	<p>Complies. <u>Draft policy:</u> 428.6- The Probation Department shall not... C) Providing information regarding a person’s release dates or responding to requests for notification by providing release dates or other information unless that information is available to the public or is in response to a notification request from immigration authorities in accordance with Section 7282.5 of the Government Code.</p>

¹ Effective date delayed until January 4, 2018, due a potential statewide referendum on SB 54 that is in the signature-gathering phase.

² Also known as the Trust Act- CA Gov. Code §§ 7282-7282.5 [Amended by SB 54 (2017)]

³ Forms I-247N, I-247D, I-247X were rescinded by I.C.E. on April 2, 2017, and replaced with Form I-247A- Immigration Detainer- Notice of Action.

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<p>3.</p>	<p>Law enforcement agencies shall not use agency money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes</p> <p>§7284.6(a)(1)</p>	<p>Requires further information from Sheriff's Office on interpretation and current practice.</p> <p><u>Current policy:</u></p> <p>III. A. ICE has primary responsibility to investigate and enforce federal immigration laws. Office of the Sheriff personnel may assist ICE in the enforcement of federal immigration laws upon its specific request and in those situations where ICE-initiated investigations have led to the discovery of criminal violations of California law...</p>	<p>Complies.</p> <p><u>Draft policy:</u></p> <p>428.6- The Probation Department shall not use Department resources or personnel to investigate, interrogate, detain, detect or arrest persons for immigration enforcement purposes, including any of the following :... G) Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of title 8 of the United States Code or any other law, regulation, or policy whether formal or informal.</p>
<p>4.</p>	<p>Law enforcement agencies shall not inquire into an individual's immigration status.</p> <p>§7284.6(a)(1)(A)</p>	<p>Complies.</p> <p><u>Current policy:</u></p> <p>III.B. Contacts (whether consensual or not), detentions, and arrests shall be based on reasonable suspicion or probable cause. A Deputy may never initiate any law enforcement action based on observations relating to immigration status...</p> <p>IV.B.1. A Deputy's suspicion about any person's immigration status shall not be used as a sole basis to initiate contact, detain, or arrest that person...</p>	<p>Complies.</p> <p><u>Draft policy:</u></p> <p>428.6- The Probation Department shall not... A) Inquiring into an individual's immigration status</p>
<p>5.</p>	<p>Law enforcement agencies shall not detain on basis</p>	<p>Complies.</p>	<p>Complies.</p>

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<p>of a hold request- as defined in § 7283(b)⁴. §7284.6(a)(1)(B)</p>		<p><u>Current policy:</u> IV.F. 2. Inmates who are eligible for release from custody shall <i>not</i> be held, pursuant to an immigration hold, beyond the time he or she would otherwise be released. Requires further information from Sheriff's Office on interpretation and current practice. <u>Current policy:</u> IV.F. The Office of the Sheriff regularly receives... However, I-247N notification requests will be honored under the following circumstances: 1. TRUST ACT. The Trust Act (AB4) provides that a person may not be held in custody solely on the basis of an immigration detainer if he or she is otherwise eligible for release from custody, unless at the time the individual becomes eligible for release from custody certain conditions are met....</p>	<p><u>Draft policy:</u> 428.6- The Probation Department shall not... B) Detaining of an individual on the basis of a hold request.</p>
<p>6. Law enforcement agencies shall not provide information on a release date or other information unless the information is available to the public or in response to a notification request per 7282.5. §7284.6(a)(1)(C)</p>		<p>Not covered by policy.</p>	<p>Complies. <u>Draft policy:</u> 428.6- The Probation Department shall not... C) Providing information regarding a person's release dates or responding to requests for notification by providing release dates or other information unless that information is available to the public or is in response to a notification request from immigration authorities in accordance with Section 7282.5 of the Government Code.</p>
<p>7. Law enforcement agencies shall not provide personal information, as defined in CC 1798.3, including home address or work unless the information is available to the public. §7284.6(a)(1)(D)</p>		<p>Requires further information from Sheriff's Office on</p>	<p>Complies. <u>Draft policy:</u> 428.6- The Probation Department shall not... D) Providing personal information as defined in Section 1798.3 of the Civil Code, about an individual... unless the information is available to the public. Complies.</p>
<p>8. Law enforcement agencies shall not make or</p>		<p>Requires further information from Sheriff's Office on</p>	<p>Complies.</p>

⁴ Also known as the Truth Act- CA Gov. Code §§ 7283-7283.2 [Not Amended by SB 54 (2017)]
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<p>9.</p> <p>Law enforcement agencies shall not assist immigration in activities described in 8 U.S.C. 1357(a)(3), perform immigration officer functions, or place peace officers under supervision of federal agencies for purposes of immigration enforcement.</p> <p>§7284.6(a)(1)(F), (G), & (a)(2)</p>	<p>interpretation and current practice.</p> <p><u>Current policy:</u></p> <p>III. A. ICE has primary responsibility to investigate and enforce federal immigration laws. Office of the Sheriff personnel may assist ICE in the enforcement of federal immigration laws upon its specific request and in those situations where ICE-initiated investigations have led to the discovery of criminal violations of California law...</p> <p>Requires further information from Sheriff's Office on interpretation and current practice.</p> <p><u>Current policy:</u></p> <p>III.A. ICE has primary responsibility to investigate and enforce federal immigration laws. Office of the Sheriff personnel may assist ICE in the enforcement of federal immigration laws upon its specific request and in those situations where ICE-initiated investigations have led to the discovery of criminal violations of California law...</p> <p>IV.B.2. Sweeps intended solely to locate and detain undocumented immigrants are not permitted. Deputies will not participate in ICE-organized sweepsOffice of the Sheriff personnel may, however, provide support services, including traffic control, during an ICE operation, upon the specific request of ICE for assistance.</p>	<p>Draft Probation Immigration Policy 428 (Rev. Oct. 2017)</p> <p><u>Draft policy:</u> 428.6- The Probation Department shall not... E) Making or intentionally participating in arrests based on civil immigration warrants.</p>	<p>Draft Probation Immigration Policy 428 (Rev. Oct. 2017)</p> <p><u>Draft policy:</u> 428.6- The Probation Department shall not... E) Making or intentionally participating in arrests based on civil immigration warrants.</p>
<p>10.</p> <p>Law enforcement agencies shall not transfer to immigration authorities unless authorized by a</p>	<p>interpretation and current practice.</p> <p><u>Current policy:</u></p> <p>III. A. ICE has primary responsibility to investigate and enforce federal immigration laws. Office of the Sheriff personnel may assist ICE in the enforcement of federal immigration laws upon its specific request and in those situations where ICE-initiated investigations have led to the discovery of criminal violations of California law...</p> <p>Requires further information from Sheriff's Office on interpretation and current practice.</p> <p><u>Current policy:</u></p> <p>III.A. ICE has primary responsibility to investigate and enforce federal immigration laws. Office of the Sheriff personnel may assist ICE in the enforcement of federal immigration laws upon its specific request and in those situations where ICE-initiated investigations have led to the discovery of criminal violations of California law...</p> <p>IV.B.2. Sweeps intended solely to locate and detain undocumented immigrants are not permitted. Deputies will not participate in ICE-organized sweepsOffice of the Sheriff personnel may, however, provide support services, including traffic control, during an ICE operation, upon the specific request of ICE for assistance.</p>	<p>Draft Probation Immigration Policy 428 (Rev. Oct. 2017)</p> <p><u>Draft policy:</u> 428.6- The Probation Department shall not... E) Making or intentionally participating in arrests based on civil immigration warrants.</p>	<p>Draft Probation Immigration Policy 428 (Rev. Oct. 2017)</p> <p><u>Draft policy:</u> 428.6- The Probation Department shall not... E) Making or intentionally participating in arrests based on civil immigration warrants.</p>

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<p>11.</p>	<p>Law enforcement agencies shall not contract with the federal government for use of California law enforcement agency facilities to house individuals as federal detainees, except per 7310 (June 15, 2017 cutoff for new contracts or renewal or modification of an existing contract.) §7284.6(a)(6)</p>	<p>Not covered by policy.</p>	<p>Not covered by policy.</p>
<p>12.</p>	<p>Repeals H&S Code 11369. SB 54, Sec. 4</p>	<p>Amendment suggested to reflect repeal of this law. <u>Current policy:</u> IV.D.2.(f) If a Deputy has cause to believe that a person arrested for any violation listed in <u>H&S</u> section 11369...</p>	<p>Complies. Draft policy does not reference Health and Safety Code section 11369.</p>