

SB 54 (De León) Summary

(Reflects 9/11/17 Amendments)

Amendments Overview:

- Expand list of crimes under which law enforcement has the discretion to notify and transfer a person to immigration authorities.
 - Exempt the California Department of Corrections and Rehabilitation from the provisions of the bill, but require the Department to provide increased protections and equal treatment to immigrant inmates.
 - Allow immigration authorities to interview individuals in custody, but prohibit giving immigration authorities permanent office space in jails.
 - Delete prohibition on access to databases for immigration enforcement purposes, but require the AG to develop guidance, audit criteria, and training recommendations on limiting access to information for the purposes of immigration enforcement.
 - Make technical changes to joint task force language to ensure law enforcement can continue to partner with federal agencies in the interest of public safety.
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Key Policy Components:

- **Limitations on law enforcement**—Senate Bill 54 prohibits law enforcement agencies (including school police and security departments) from using resources to investigate, interrogate, detain, detect, or arrest people for immigration enforcement purposes. Restrictions include:
 - Inquiring into an individual’s immigration status.
 - Detaining a person based on a hold request from Immigration and Customs Enforcement (ICE).
 - Arresting a person based on a civil immigration warrant.
 - Participating in 287(g) agreements or any program that deputizes police as immigration agents.
 - Participating in border patrol activities, including warrantless searches.
 - Using ICE agents as interpreters.
- **Notifications and Transfers**—SB 54 will only allow response to notification requests from ICE and transfers to ICE if in accordance with a revised TRUST Act (2013) list of offenses. Law enforcement agencies will be required to report the number of transfers and type of offenses for which transfer occurred to the Attorney General.
- **Revised TRUST Act**—
 - The TRUST Act will be significantly narrowed by no longer applying to immigration holds, which will be prohibited under SB 54. The list will limit notifications and transfers to listed offenses.
 - List of offenses will now include a 15 year washout period for jail felonies.
 - Proposition 47 crimes will be completely exempt from the Trust Act.

- Law enforcement will not be able to transfer a person to ICE unless there is a conviction.
- Notifications to ICE on the basis of an arrest will not be permitted, except that law enforcement will have discretion to notify ICE about an arrest for serious/violent felony and prison felony. This will ensure that individuals are held accountable for the crimes they commit rather than be deported without prosecution.
- **Requirements on the California Department of Corrections (CDCR)—**
 - CDCR will be required to implement a policy similar to the TRUTH Act by requiring written consent from an individual before allowing an interview with ICE and notifying an individual if ICE has issued a hold, transfer, or notification request.
 - CDCR will be prohibited from restricting access to in-prison programming or credit-earning opportunities on the sole basis of immigration status.
 - CDCR will be prohibited from considering immigration status as a factor in determining a person's custodial classification level.
- **Taskforces—**Law enforcement will be able to participate in joint taskforces with the federal government only if the primary purpose of the joint task force is not immigration enforcement. Participating agencies will have to annually report to the CA Department of Justice if there were immigration arrests as a result of task force operations.
- **Safe Zones—**The Attorney General will be required to publish model policies that limit immigration enforcement in public schools, health facilities, courthouses, and other service providers.