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AB-1440 Peace officers. (2017-2018)

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Assembly Bill No. 1440

CHAPTER 116

An act to add Section 830.85 to the Penal Code, relating to peace officers.

[Approved by Governor July 24, 2017. Filed with Secretary of State July 24, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1440, Kalra. Peace officers.

Under existing law, federal criminal investigators and law enforcement officers are not California peace officers, but are authorized to exercise the powers of arrest of a peace officer in this state under specified circumstances, including when probable cause exists to believe that a public offense that involves immediate danger to persons or property has just occurred or is being committed.

This bill would specify that United States Immigration and Customs Enforcement officers and United States Customs and Border Protection officers are not California peace officers.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) California is experiencing a new reality under the current federal administration, with particularly concerning tactics and strategies being employed by the United States Immigration and Customs Enforcement (ICE) in the enforcement of federal immigration orders.

(b) The concerning tactics and strategies include ICE officers misrepresenting themselves as peace officers or police officers to persuade and compel friends, family members, and associates of suspected undocumented immigrants to reveal information about, or the whereabouts of, a suspected undocumented immigrant.

(c) These tactics undermine the trust and faith California's local law enforcement works to develop with local communities every day to provide for the public's safety.

(d) Additionally, ICE officers are not trained as California peace officers, they are not required to undergo the rigorous training required to become a California peace officer, and the training received by ICE officers in the course of their official duties is not as comprehensive as, and thus not equivalent to, the training required to be a California peace officer.

(e) As a result, California must take any and all necessary actions to disassociate the actions of ICE officers with those of state and local peace officers, make it clear that federal immigration officers are not California peace officers, and appropriately ensure

the public knows the difference.

SEC. 2. Section 830.85 is added to the Penal Code, immediately following Section 830.8, to read:

830.85. Notwithstanding any other law, United States Immigration and Customs Enforcement officers and United States Customs and Border Protection officers are not California peace officers.