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AB-1747 California Law Enforcement Telecommunications System: immigration. (2019-2020)

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Assembly Bill No. 1747

CHAPTER 789

An act to amend Section 15160 of the Government Code, relating to law enforcement.

[Approved by Governor October 12, 2019. Filed with Secretary of State October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1747, Gonzalez. California Law Enforcement Telecommunications System: immigration.

Existing law requires the Department of Justice to maintain a statewide telecommunications system for use by law enforcement agencies. Existing law also requires the Attorney General, upon the advice of an advisory committee, to adopt policies, practices and procedures, and conditions of qualification for connection to the system.

Existing law, the California Values Act, generally prohibits, with exceptions, a California law enforcement agency from using its moneys or personnel to investigate, detain, or arrest persons for immigration enforcement purposes.

This bill would, commencing January 1, 2020, consistent with the California Values Act, prohibit subscribers to the system from using information other than criminal history information transmitted through the system for immigration enforcement purposes, as defined. The bill would also prohibit subscribers to the system from using the system for purposes of investigating violations of a specified federal law if a violation of that federal law is the only criminal history in an individual's record. The bill would, commencing July 1, 2021, with exceptions, require any inquiry submitted through the statewide telecommunications system for information other than criminal history information to include a reason for the inquiry. The bill would also, commencing July 1, 2021, authorize the Attorney General, and personnel they so authorize, to conduct investigations, as provided, as the Attorney General deems appropriate to monitor compliance with these provisions.

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

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

SECTION 1. Section 15160 of the Government Code is amended to read:

15160. (a) The Attorney General shall, upon the advice of the committee, adopt and publish for distribution to the system subscribers and other interested parties the operating policies, practices and procedures, and conditions of qualification for membership.

(b) (1) Commencing on January 1, 2020, consistent with the California Values Act (Chapter 17.25 (commencing with Section 7284) of Division 7 of Title 1), no subscribers to the system shall use information other than criminal history information transmitted through the system for immigration enforcement purposes, as defined in subdivision (f) of Section 7284.4. In addition, no subscribers to the system shall use the system for purposes of investigating violations of Section 1325 of Title 8 of the United

States Code, if a violation of that section is the only criminal history in an individual's record. This section does not prohibit or restrict any government entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or maintaining or exchanging that information with any other federal, state, or local government entity, pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.

(2) Commencing on July 1, 2021, any inquiry for information other than criminal history information submitted through the system shall include a reason for the initiation of the inquiry.

(3) Commencing on July 1, 2021, the Attorney General, and personnel they so authorize, may conduct investigations, including inspections and audits, as the Attorney General deems appropriate to monitor compliance with this subdivision. The Attorney General or authorized personnel who are conducting an investigation pursuant to this subdivision shall be authorized to review and inspect case files and any records identified in the investigation process to substantiate a reason given for accessing information other than criminal history information in the system.

(c) For the purposes of this section, "system" means the statewide telecommunications system of communication established pursuant to this chapter.