



DATE SUBMITTED 6/15/2018  
 SUBMITTED BY CITY MANAGER'S OFFICE  
 DATE ACTION REQUIRED 6/20/2018

COUNCIL ACTION  
 PUBLIC HEARING REQUIRED ( )  
 RESOLUTION ( )  
 ORDINANCE 1<sup>ST</sup> READING ( )  
 ORDINANCE 2<sup>ND</sup> READING ( )  
 CITY CLERK'S INITIALS 

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

SUBJECT:           DISCUSSION/RECOMMENDATION: SANTUARY CITY SB 54  1.   DISCUSS AND PROVIDE DIRECTION TO CITY MANAGER REGARDING SANTUARY CITY SB 54	
DEPARTMENT INVOLVED:    CITY MANAGER'S OFFICE	
BACKGROUND/SUMMARY:  At the request of the City Council, the City Manager has compiled a series of resolutions from several municipal agencies within the State of California. These resolutions outline various approaches to be considered by the City Council prior to implementing policy accepting or rejecting SB 54. Upon review, discussion and direction City Administration will proceed in whichever way the majority of the City Council agrees is best for the residents and business owners of the City of Imperial.	
FISCAL IMPACT: N/A	FINANCE INITIALS _____
STAFF RECOMMENDATION: N/A	DEPT. INITIALS _____
MANAGER'S RECOMMENDATION: N/A	CITY MANAGER'S INITIALS  _____
MOTION:	
SECONDED: AYES: NAYES: ABSENT:	APPROVED   ( )           REJECTED   ( ) DISAPPROVED ( )         DEFERRED   ( ) REFERRED TO:

**SB-54 Law enforcement: sharing data.** (2017-2018)

SHARE THIS:



Date Published: 10/05/2017 09:00 PM

**Senate Bill No. 54**

## CHAPTER 495

An act to amend Sections 7282 and 7282.5 of, and to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of, the Government Code, and to repeal Section 11369 of the Health and Safety Code, relating to law enforcement.

[ Approved by Governor October 05, 2017. Filed with Secretary of State October 05, 2017. ]

## LEGISLATIVE COUNSEL'S DIGEST

SB 54, De León. Law enforcement: sharing data.

Existing law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.

This bill would repeal those provisions.

Existing law provides that whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities.

This bill would, among other things and subject to exceptions, prohibit state and local law enforcement agencies, including school police and security departments, from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, and would, subject to exceptions, proscribe other activities or conduct in connection with immigration enforcement by law enforcement agencies. The bill would apply those provisions to the circumstances in which a law enforcement official has discretion to cooperate with immigration authorities. The bill would require, by October 1, 2018, the Attorney General, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement to the fullest extent possible for use by public schools, public libraries, health facilities operated by the state or a political subdivision of the state, and courthouses, among others. The bill would require, among others, all public schools, health facilities operated by the state or a political subdivision of the state, and courthouses to implement the model policy, or an equivalent policy. The bill would state that, among others, all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy. The bill would require that a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, submit a report annually pertaining to task force operations to the Department of Justice, as specified. The bill would require the Attorney General, by March 1, 2019, and annually thereafter, to report on the types and frequency of joint law enforcement task forces, and other information, as specified, and to post those reports on the Attorney General's Internet Web site. The bill would require law

enforcement agencies to report to the department annually regarding transfers of persons to immigration authorities. The bill would require the Attorney General to publish guidance, audit criteria, and training recommendations regarding state and local law enforcement databases, for purposes of limiting the availability of information for immigration enforcement, as specified. The bill would require the Department of Corrections and Rehabilitation to provide a specified written consent form in advance of any interview between a person in department custody and the United States Immigration and Customs Enforcement regarding civil immigration violations.

This bill would state findings and declarations of the Legislature relating to these provisions.

By imposing additional duties on public schools and local law enforcement agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

**SECTION 1.** Section 7282 of the Government Code is amended to read:

**7282.** For purposes of this chapter, the following terms have the following meanings:

- (a) "Conviction" shall have the same meaning as subdivision (d) of Section 667 of the Penal Code.
- (b) "Eligible for release from custody" means that the individual may be released from custody because one of the following conditions has occurred:
- (1) All criminal charges against the individual have been dropped or dismissed.
  - (2) The individual has been acquitted of all criminal charges filed against him or her.
  - (3) The individual has served all the time required for his or her sentence.
  - (4) The individual has posted a bond.
  - (5) The individual is otherwise eligible for release under state or local law, or local policy.
- (c) "Hold request," "notification request," and "transfer request" have the same meanings as provided in Section 7283. Hold, notification, and transfer requests include requests issued by the United States Immigration and Customs Enforcement or the United States Customs and Border Protection as well as any other immigration authorities.
- (d) "Law enforcement official" means any local agency or officer of a local agency authorized to enforce criminal statutes, regulations, or local ordinances or to operate jails or to maintain custody of individuals in jails, and any person or local agency authorized to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities.
- (e) "Local agency" means any city, county, city and county, special district, or other political subdivision of the state.
- (f) "Serious felony" means any of the offenses listed in subdivision (c) of Section 1192.7 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a serious felony as defined by subdivision (c) of Section 1192.7 of the Penal Code.
- (g) "Violent felony" means any of the offenses listed in subdivision (c) of Section 667.5 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a violent felony as defined by subdivision (c) of Section 667.5 of the Penal Code.

**SEC. 2.** Section 7282.5 of the Government Code is amended to read:

**7282.5.** (a) A law enforcement official shall have discretion to cooperate with immigration authorities only if doing so would not violate any federal, state, or local law, or local policy, and where permitted by the California Values Act (Chapter 17.25 (commencing with Section 7284)). Additionally, the specific activities described in subparagraph (C) of paragraph (1) of subdivision (a) of, and in paragraph (4) of subdivision (a) of, Section 7284.6 shall only occur under the following circumstances:

(1) The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code.

(2) The individual has been convicted of a felony punishable by imprisonment in the state prison.

(3) The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony for, any of the following offenses:

(A) Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.

(B) Battery, as specified in, but not limited to, Sections 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.

(C) Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.

(D) Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d, 266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.

(E) Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of the Penal Code.

(F) Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.

(G) Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.

(H) Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.

(I) Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.

(J) Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.

(K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.

(L) Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 (commencing with Section 16000) of the Penal Code).

(M) An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.

(N) Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.

(O) Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.

(P) An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.

(Q) A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and

12022.9 of, the Penal Code.

(R) Possession or use of a firearm in the commission of an offense.

(S) An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.

(T) False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.

(U) Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.

(V) Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.

(W) A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413 of the Penal Code.

(X) Elder and dependent adult abuse, as specified in, but not limited to, Section 368 of the Penal Code.

(Y) A hate crime, as specified in, but not limited to, Section 422.55 of the Penal Code.

(Z) Stalking, as specified in, but not limited to, Section 646.9 of the Penal Code.

(AA) Soliciting the commission of a crime, as specified in, but not limited to, subdivision (c) of Section 286 of, and Sections 653j and 653.23 of, the Penal Code.

(AB) An offense committed while on bail or released on his or her own recognizance, as specified in, but not limited to, Section 12022.1 of the Penal Code.

(AC) Rape, sodomy, oral copulation, or sexual penetration, as specified in, but not limited to, paragraphs (2) and (6) of subdivision (a) of Section 261 of, paragraphs (1) and (4) of subdivision (a) of Section 262 of, Section 264.1 of, subdivisions (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal Code.

(AD) Kidnapping, as specified in, but not limited to, Sections 207, 209, and 209.5 of the Penal Code.

(AE) A violation of subdivision (c) of Section 20001 of the Vehicle Code.

(4) The individual is a current registrant on the California Sex and Arson Registry.

(5) The individual has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

(6) In no case shall cooperation occur pursuant to this section for individuals arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as either misdemeanors or felonies, prior to passage of the Safe Neighborhoods and Schools Act of 2014 as it amended the Penal Code.

(b) In cases in which the individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (c) of Section 1192.7 or subdivision (c) of Section 667.5 of the Penal Code, respectively, or a felony that is punishable by imprisonment in state prison, and the magistrate makes a finding of probable cause as to that charge pursuant to Section 872 of the Penal Code, a law enforcement official shall additionally have discretion to cooperate with immigration officials pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 7284.6.

**SEC. 3.** Chapter 17.25 (commencing with Section 7284) is added to Division 7 of Title 1 of the Government Code, to read:

**CHAPTER 17.25. Cooperation with Immigration Authorities**

**7284.** This chapter shall be known, and may be cited, as the California Values Act.

**7284.2.** The Legislature finds and declares the following:

(a) Immigrants are valuable and essential members of the California community. Almost one in three Californians is foreign born and one in two children in California has at least one immigrant parent.

(b) A relationship of trust between California's immigrant community and state and local agencies is central to the public safety of the people of California.

(c) This trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes, seeking basic health services, or attending school, to the detriment of public safety and the well-being of all Californians.

(d) Entangling state and local agencies with federal immigration enforcement programs diverts already limited resources and blurs the lines of accountability between local, state, and federal governments.

(e) State and local participation in federal immigration enforcement programs also raises constitutional concerns, including the prospect that California residents could be detained in violation of the Fourth Amendment to the United States Constitution, targeted on the basis of race or ethnicity in violation of the Equal Protection Clause, or denied access to education based on immigration status. See *Sanchez Ochoa v. Campbell, et al.* (E.D. Wash. 2017) 2017 WL 3476777; *Trujillo Santoya v. United States, et al.* (W.D. Tex. 2017) 2017 WL 2896021; *Moreno v. Napolitano* (N.D. Ill. 2016) 213 F. Supp. 3d 999; *Morales v. Chadbourne* (1st Cir. 2015) 793 F.3d 208; *Miranda-Olivares v. Clackamas County* (D. Or. 2014) 2014 WL 1414305; *Galarza v. Szalczyk* (3d Cir. 2014) 745 F.3d 634.

(f) This chapter seeks to ensure effective policing, to protect the safety, well-being, and constitutional rights of the people of California, and to direct the state's limited resources to matters of greatest concern to state and local governments.

(g) It is the intent of the Legislature that this chapter shall not be construed as providing, expanding, or ratifying any legal authority for any state or local law enforcement agency to participate in immigration enforcement.

**7284.4.** For purposes of this chapter, the following terms have the following meanings:

(a) "California law enforcement agency" means a state or local law enforcement agency, including school police or security departments. "California law enforcement agency" does not include the Department of Corrections and Rehabilitation.

(b) "Civil immigration warrant" means any warrant for a violation of federal civil immigration law, and includes civil immigration warrants entered in the National Crime Information Center database.

(c) "Immigration authority" means any federal, state, or local officer, employee, or person performing immigration enforcement functions.

(d) "Health facility" includes health facilities as defined in Section 1250 of the Health and Safety Code, clinics as defined in Sections 1200 and 1200.1 of the Health and Safety Code, and substance abuse treatment facilities.

(e) "Hold request," "notification request," "transfer request," and "local law enforcement agency" have the same meaning as provided in Section 7283. Hold, notification, and transfer requests include requests issued by United States Immigration and Customs Enforcement or United States Customs and Border Protection as well as any other immigration authorities.

(f) "Immigration enforcement" includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States.

(g) "Joint law enforcement task force" means at least one California law enforcement agency collaborating, engaging, or partnering with at least one federal law enforcement agency in investigating federal or state crimes.

(h) "Judicial probable cause determination" means a determination made by a federal judge or federal magistrate judge that probable cause exists that an individual has violated federal criminal immigration law and that authorizes a law enforcement officer to arrest and take into custody the individual.

(i) "Judicial warrant" means a warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest

and take into custody the person who is the subject of the warrant.

(j) "Public schools" means all public elementary and secondary schools under the jurisdiction of local governing boards or a charter school board, the California State University, and the California Community Colleges.

(k) "School police and security departments" includes police and security departments of the California State University, the California Community Colleges, charter schools, county offices of education, schools, and school districts.

**7284.6.** (a) California law enforcement agencies shall not:

(1) Use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including any of the following:

(A) Inquiring into an individual's immigration status.

(B) Detaining an individual on the basis of a hold request.

(C) Providing information regarding a person's release date 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. Responses are never required, but are permitted under this subdivision, provided that they do not violate any local law or policy.

(D) Providing personal information, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual's home address or work address unless that information is available to the public.

(E) Making or intentionally participating in arrests based on civil immigration warrants.

(F) Assisting immigration authorities in the activities described in Section 1357(a)(3) of Title 8 of the United States Code.

(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.

(2) Place peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement. All peace officers remain subject to California law governing conduct of peace officers and the policies of the employing agency.

(3) Use immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody.

(4) Transfer an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with Section 7282.5.

(5) Provide office space exclusively dedicated for immigration authorities for use within a city or county law enforcement facility.

(6) Contract with the federal government for use of California law enforcement agency facilities to house individuals as federal detainees, except pursuant to Chapter 17.8 (commencing with Section 7310).

(b) Notwithstanding the limitations in subdivision (a), this section does not prevent any California law enforcement agency from doing any of the following that does not violate any policy of the law enforcement agency or any local law or policy of the jurisdiction in which the agency is operating:

(1) Investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for a violation of, Section 1326(a) of Title 8 of the United States Code that may be subject to the enhancement specified in Section 1326(b)(2) of Title 8 of the United States Code and that is detected during an unrelated law enforcement activity. Transfers to immigration authorities are permitted under this subsection only in accordance with paragraph (4) of subdivision (a).

(2) Responding to a request from immigration authorities for information about a specific person's criminal history, including previous criminal arrests, convictions, or similar criminal history information accessed through the California Law Enforcement Telecommunications System (CLETS), where otherwise permitted by state law.

(3) Conducting enforcement or investigative duties associated with a joint law enforcement task force, including the sharing of confidential information with other law enforcement agencies for purposes of task force investigations, so long as the following conditions are met:

(A) The primary purpose of the joint law enforcement task force is not immigration enforcement, as defined in subdivision (f) of Section 7284.4.

(B) The enforcement or investigative duties are primarily related to a violation of state or federal law unrelated to immigration enforcement.

(C) Participation in the task force by a California law enforcement agency does not violate any local law or policy to which it is otherwise subject.

(4) 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 pursuant to Section 1101(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States Code or to comply with Section 922(d)(5) of Title 18 of the United States Code.

(5) Giving immigration authorities access to interview an individual in agency or department custody. All interview access shall comply with requirements of the TRUTH Act (Chapter 17.2 (commencing with Section 7283)).

(c) (1) If a California law enforcement agency chooses to participate in a joint law enforcement task force, for which a California law enforcement agency has agreed to dedicate personnel or resources on an ongoing basis, it shall submit a report annually to the Department of Justice, as specified by the Attorney General. The law enforcement agency shall report the following information, if known, for each task force of which it is a member:

(A) The purpose of the task force.

(B) The federal, state, and local law enforcement agencies involved.

(C) The total number of arrests made during the reporting period.

(D) The number of people arrested for immigration enforcement purposes.

(2) All law enforcement agencies shall report annually to the Department of Justice, in a manner specified by the Attorney General, the number of transfers pursuant to paragraph (4) of subdivision (a), and the offense that allowed for the transfer, pursuant to paragraph (4) of subdivision (a).

(3) All records described in this subdivision shall be public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250)), including the exemptions provided by that act and, as permitted under that act, personal identifying information may be redacted prior to public disclosure. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be disclosed.

(4) If more than one California law enforcement agency is participating in a joint task force that meets the reporting requirement pursuant to this section, the joint task force shall designate a local or state agency responsible for completing the reporting requirement.

(d) The Attorney General, by March 1, 2019, and annually thereafter, shall report on the total number of arrests made by joint law enforcement task forces, and the total number of arrests made for the purpose of immigration enforcement by all task force participants, including federal law enforcement agencies. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be included in the Attorney General's report. The Attorney General shall post the reports required by this subdivision on the Attorney General's Internet Web site.

(e) 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.

(f) Nothing in this section shall prohibit a California law enforcement agency from asserting its own jurisdiction over criminal law enforcement matters.



**7284.8.** (a) The Attorney General, by October 1, 2018, in consultation with the appropriate stakeholders, shall publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, public libraries, health facilities operated by the state or a political subdivision of the state, courthouses, Division of Labor Standards Enforcement facilities, the Agricultural Labor Relations Board, the Division of Workers Compensation, and shelters, and ensuring that they remain safe and accessible to all California residents, regardless of immigration status. All public schools, health facilities operated by the state or a political subdivision of the state, and courthouses shall implement the model policy, or an equivalent policy. The Agricultural Labor Relations Board, the Division of Workers' Compensation, the Division of Labor Standards Enforcement, shelters, libraries, and all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy.

(b) For any databases operated by state and local law enforcement agencies, including databases maintained for the agency by private vendors, the Attorney General shall, by October 1, 2018, in consultation with appropriate stakeholders, publish guidance, audit criteria, and training recommendations aimed at ensuring that those databases are governed in a manner that limits the availability of information therein to the fullest extent practicable and consistent with federal and state law, to anyone or any entity for the purpose of immigration enforcement. All state and local law enforcement agencies are encouraged to adopt necessary changes to database governance policies consistent with that guidance.

(c) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2), the Department of Justice may implement, interpret, or make specific this chapter without taking any regulatory action.

**7284.10.** (a) The Department of Corrections and Rehabilitation shall:

(1) In advance of any interview between the United States Immigration and Customs Enforcement (ICE) and an individual in department custody regarding civil immigration violations, provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present. The written consent form shall be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.

(2) Upon receiving any ICE hold, notification, or transfer request, provide a copy of the request to the individual and inform him or her whether the department intends to comply with the request.

(b) The Department of Corrections and Rehabilitation shall not:

(1) Restrict access to any in-prison educational or rehabilitative programming, or credit-earning opportunity on the sole basis of citizenship or immigration status, including, but not limited to, whether the person is in removal proceedings, or immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

(2) Consider citizenship and immigration status as a factor in determining a person's custodial classification level, including, but not limited to, whether the person is in removal proceedings, or whether immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

**7284.12.** The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

**SEC. 4.** Section 11369 of the Health and Safety Code is repealed.

**SEC. 5.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**RESOLUTION NO. 2018-\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE  
ELSINORE OPPOSING SB 54, THE CALIFORNIA VALUES ACT THAT  
RESTRICTS LAW ENFORCEMENT AND ENDANGERS PUBLIC SAFETY**

**WHEREAS**, the United States government has plenary authority over foreign policy and immigration laws which are enforced by and through federal executive agencies; and

**WHEREAS**, on October 5, 2017, Governor Brown signed SB 54, the California Values Act, which became effective January 1, 2018; and

**WHEREAS**, the California Values Act impacts Federal immigration law and enforcement by (1) precluding state and local law enforcement agencies from voluntarily providing to the United States information about the release date from state or local criminal custody of criminal aliens who may be subject to removal and are subject to detention by the United States, (2) precluding state and local officials from voluntarily providing to the United States other information relevant to the alien's immigration status, and (3) prohibiting state and local officials from transferring aliens to the United States when they are scheduled to be released from state or local custody; and

**WHEREAS**, the United States has filed a lawsuit against the State of California claiming the California Values Act is unconstitutional in whole or in part and seeking an injunction against the enforcement of the California Values Act to stop the interference and crippling effect on law enforcement and consequential threat to public safety; and

**WHEREAS**, the City Council of the City of Lake Elsinore holds public safety as its highest priority and opposes all measures that threaten this basic community value.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, DOES  
HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** The Recitals set forth above are true and correct and incorporated herein by reference.

**SECTION 2.** The City Council opposes SB 54 as conflicting with the plenary authority of the federal government over immigration laws, restricting local law enforcement, and endangering public safety.

**SECTION 3.** If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

**SECTION 4.** The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

**SECTION 5.** This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of April 2018.

\_\_\_\_\_  
Natasha Johnson, Mayor

**ATTEST:**

\_\_\_\_\_  
Susan M. Domen, MMC  
City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF LAKE ELSINORE        )

I, Susan M. Domen, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. \_\_\_\_\_ was adopted by the City Council of the City of Lake Elsinore, California, at the regular meeting of April \_\_\_\_, 2018, and that the same was adopted by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Susan M. Domen, MMC  
City Clerk

**RESOLUTION NO.  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEAUMONT  
IN SUPPORT OF THE OATH OF OFFICE AND THE RULE OF LAW**

**RECITALS:**

**WHEREAS**, the Constitution of the United States of America is the supreme law of the land. The states within the union have certain rights to enact laws that are not in conflict with the federal laws, and

**WHEREAS**, the City Council of the City of Beaumont swears an oath to uphold and defend the Constitution of the United States of America, first and foremost, as an affirmation of our duty as public servants, and

**WHEREAS**, the City Council of the City of Beaumont swears an oath to uphold and defend the Constitution of the State of California, secondarily but with no less a duty than the first, and

**WHEREAS**, the City Council of the City of Beaumont accepts that when State law conflicts with the Federal law, the Federal law shall be the supreme law of the land as specified in the United States Constitution, and

**WHEREAS**, the City of Beaumont believes in the rule of law both as it applies to our service to the United States of America and to the State of California, and

**WHEREAS**, the Council finds that the adoption of this resolution does not constitute a project under the California Environmental Quality Act and no environmental assessment is required.

**NOW, THEREFORE**, The City Council is committed to protecting the City of Beaumont's residents through the enforcement of local, state, and federal laws. The adoption of SB 54 has created a conflict between state and federal law and has restricted local law enforcement's ability to cooperate with federal authorities to protect California's residents.

**THE CITY COUNCIL OF THE CITY OF BEAUMONT HEREBY RESOLVES AS FOLLOWS:**

- 1) To adhere to the rule of law.
- 2) To demand the Congress of the United States of America (both the House of Representatives and the Senate) address the need for comprehensive immigration reform and bring certainty to those who are desirous of becoming part of this experiment we call Democracy.
- 3) To continue to support the efforts of our local law enforcement partners in keeping our communities safe.

**RESOLUTION 2018-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS,  
COUNTY OF LOS ANGELES, REGARDING SANCTUARY STATE  
LAWS**

**WHEREAS**, the Constitution of the United States of America is the supreme law of the land and the States within the union have certain rights to enact laws that are not in conflict with Federal Laws, and

**WHEREAS**, the Federal government has exclusive and plenary power over immigration, and

**WHEREAS**, the members of the City of San Dimas City Council have taken an oath to support and defend the Constitution of the United States of America and the Constitution of the State of California, and

**WHEREAS**, the State of California enacted Senate Bill 54, called the California Values Act, and

**WHEREAS**, the California Values Act is codified into Government Code Title 1, Division 7, Chapter 17.25 entitled "Cooperation with Immigration Authorities", and

**WHEREAS**, the State of California enacted Assembly Bill 450, called the Immigrant Worker Protection Act, and

**WHEREAS**, the Immigrant Worker Protection Act is codified into Government Code Title 1, Division 7, Chapter 17.3 entitled "Enforcement Actions" and Labor Codes Division 1, Chapter 4 entitled "Division of Labor Standards Enforcement" and Division 2, Part 3, Chapter 3.1 entitled "Unfair Immigration-Related Passages", and

**WHEREAS**, the City of San Dimas finds that it is impossible to honor our oath to support and defend the Constitution of the United States of America and to be in compliance with Government Code Title 1, Division 7, Chapter 17.25, Government Code Title 1, Division 7, Chapter 17.3, Labor Codes Division 1, Chapter 4, and Labor Code Division 2, Part 3, Chapter 3.1, and

**WHEREAS**, the California Values Act and Immigrant Worker Protection Act may impede, delay, and obstruct law enforcement creating a threat to public safety, and

**WHEREAS**, employers, including the City of San Dimas, operating within the jurisdiction of the City of San Dimas, who accept Federal Contracts and must comply with Federal Laws, including lawful requests for access to premises, and

**WHEREAS**, the United States Forest Service may be required to comply with Federal Laws and is wholly located within the boundaries of the City of San Dimas, and

**WHEREAS**, the California Values Act and Immigrant Worker Protection Act may be in direct conflict with Federal Laws and the Constitution of the United States of America, and

Resolution 2018-XX  
Sanctuary State Laws

**WHEREAS**, the City of San Dimas City Council accepts that when State Law conflicts with the Federal Law, the Federal Law shall be the supreme law of the land as specified in the Constitution of the United States of America, and

**WHEREAS**, the City of San Dimas believes in the rule of law both as it applies to our service to the United States of America and the State of California.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the City Council of the City of San Dimas does hereby resolve the following:

**SECTION 1.** The City Council is committed to protecting the City of San Dimas residents through the enforcement of local, state, and federal laws.

**SECTION 2.** The City of San Dimas City Council does hereby reject the effort through the Sanctuary State Laws to violate the Constitution of the United States of America.

**SECTION 3.** The City of San Dimas City Council reaffirm their Oath of Office and support of the rule of law.

**SECTION 4.** Requests the Congress and Senate of the United States of America address the need for comprehensive immigration reform and bring certainty to those who are desirous of becoming citizens of this county.

**SECTION 5.** The City of San Dimas commits itself to being respectful, compassionate, inclusive, and sensitive to the many residents it serves.

**SECTION 6.** The City of San Dimas supports the efforts of public safety, be it local, state, and federal, to conduct their duties in a manner which is honorable, humane, dignified, compassionate, and respectful to keep our communities safe.

PASSED, APPROVED AND ADOPTED this 24th day of April, 2018.

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Curtis W. Morris, Mayor City of San Dimas

ATTEST:

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Debra Black, Assistant City Clerk

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF SAN DIMAS, CALIFORNIA, AFFIRMING  
THE CITY'S LONG STANDING COMMITMENT TO DIVERSITY AND  
SAFEGUARDING THE CIVIL RIGHTS, DIGNITY AND VALUES OF ALL PEOPLE**

**WHEREAS**, the City of San Dimas City Council has long promoted an environment of diversity, acceptance and respect of all persons in the community; and

**WHEREAS**, the City of San Dimas is made up of many individuals, both native born and immigrants, whose collective cultures, religions, backgrounds, orientations, abilities, and viewpoints join to form a diverse community which prides itself on being a place that welcomes persons and families of all walks of life and nations; and

**WHEREAS**, the City of San Dimas wishes to assure the community that the City has long worked and continues to work to improve their quality of life and protect their safety, and opposes the forces of hate, discrimination and violence; and

**WHEREAS**, the State of California enacted State Senate Bill ("SB-54") entitled the California Values Act, into law on October 5, 2017, which limits local law enforcement's involvement with federal immigration enforcement agencies; and

**WHEREAS**, consistent with the State Law and City policies and procedures, the City assures that all persons will have equal protection of the laws as to the laws of California as required by the U.S. Constitution, Fourteenth Amendment; and

**WHEREAS**, SB-54 promotes a relationship of trust and open communication between City Officials and the community which is essential to maintaining public safety as declared by the California Legislature in its findings of legislative intent; and

**WHEREAS**, maintaining the mutual trust, respect and open communication of all persons with City Officials is critical to supporting a vibrant and diverse economy and efficient delivery of public services to all persons regardless of their race, religion, national origin, gender, sexual orientation, ethnicity, disability or immigration status.



NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS;

**SECTION 1.** The San Dimas City Council reaffirms it's position that the community, city departments, and city employees should reject bullying, discrimination, hate and violence and to stand up for those who may be the subject of such targeted acts.

**SECTION 2.** The San Dimas City Council, consistent with it's mission and the values of the State of California calls upon the community, city employees and officials to work to create a just society by eliminating, hate, violence, discrimination, prejudice and stereotyping based on race, religion, sexual orientation, national origin age, disability, immigration status or any other arbitrary factor.

**SECTION 3.** No city agency, department, officer, employee, or agent shall request, maintain or disclose a person't citizenship or immigration status in providing any city service, except as required by a valid and enforceable court order or any applicable law.

**SECTION 4.** The City shall comply with all provisions of SB-54 as required under the California Constitution and the U.S. Constitution, 14th Amendment, Equal Protection of the law and it's obligation to maintain public health, safety and tranquility.

**SECTION 5.** The City shall maintain a list of available resources that can assist community members and businesses with immigration related issues which will be readily available at sites where city services are available including police services.

**SECTION 6.** Nothing in this Resolution shall be construed or implemented to conflict with any valid obligation imposed by a court of competent jurisdiction or any applicable law.

**SECTION 7.** The Mayor shall sign and the City Clerk Shall attest to the passage of the Resolution.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of San Dimas at the regular meeting of this \_\_\_ day of \_\_\_\_\_ 2018

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO  
IN SUPPORT OF THE OATH OF OFFICE AND THE RULE OF LAW**

**RECITALS:**

**WHEREAS**, the City Council of the City of Aliso Viejo swears an oath to uphold and defend the Constitution of the United States of America, first and foremost, as an affirmation of our duty as public servants, and

**WHEREAS**, the City Council of the City of Aliso Viejo swears an oath to uphold and defend the Constitution of the State of California, secondarily but with no less a duty than the first, and

**WHEREAS**, the City Council of the City of Aliso Viejo accepts that when State law conflicts with the Federal law, the Federal law shall be the supreme law of the land as specified in the United States Constitution, and

**WHEREAS**, the City of Aliso Viejo believes in the rule of law both as it applies to our service to the United States of America and to the State of California, and

**WHEREAS**, the City of Aliso Viejo does recognize the statements it placed on these chambers, "E Pluribus Unum" or "From Many, One," and "In God We Trust," has meaning regarding the desires of those who come to this country looking for a better life and with that the responsibility to adhere to the rule of law as defined by the United States Constitution, and

**WHEREAS**, the City of Aliso Viejo does indeed recognize the diverse nature not only of our City, our State, but also of our Country, and the many contributions made by natural citizens, foreign born immigrants and those wishing to contribute to the fabric that is the United States of America, and

**WHEREAS**, the Council finds that the adoption of this resolution does not constitute a project under the California Environmental Quality Act and no environmental assessment is required.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ALISO VIEJO HEREBY RESOLVES AS FOLLOWS:**

- 1) To adhere to the rule of law.
- 2) To demand the Congress of the United States of America (both the House of Representatives and the Senate) address the need for comprehensive immigration reform and bring certainty to those who are desirous of becoming part of this experiment we call Democracy.
- 3) To continue to support the efforts of our local law enforcement partners in keeping our communities safe.

**Passed and Adopted** by the City Council of the City of Aliso Viejo on the \_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Dave Harrington, Mayor

Attest

\_\_\_\_\_  
Mitzi Ortiz, City Clerk

Approved as to form:

\_\_\_\_\_  
Scott Smith, City Attorney

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE,  
IN SUPPORT OF THE CIVIL ACTION OF THE UNITED STATES OF AMERICA  
V. THE STATE OF CALIFORNIA, ET AL.

(United States District Court Case No. 2:18-cv-00490-JAM-KJN)

WHEREAS, the City Council of the City of Porterville has taken an oath to support and defend the Constitution of the United States of America and the Constitution of the State of California; and

WHEREAS, the Constitution of the United States of America is the supreme law of the land, and the states within the union have certain rights to enact laws that are not in conflict with the federal laws; and

WHEREAS, the City Council of the City of Porterville accepts that when State law conflicts with the Federal law, the Federal law shall be the supreme law of the land as specified in the United States Constitution, and

WHEREAS, the City of Porterville believes in the rule of law of both as it applies to our service to the United States of America and to the State of California, and

WHEREAS, the 2017 passage of Assembly Bill 103, Assembly Bill 450, and Senate Bill 54 by the California Legislature has only served to polarize the electorate and to create confusion concerning the proper role of state and local governments with respect to immigration policy; and

WHEREAS, Assembly Bill 103, Assembly Bill 450, and Senate Bill 54 are the subjects of a legal challenge by the Federal government, which creates further uncertainty for cities and counties in California; and

WHEREAS, legal experts warn that Senate Bill 54 is inconsistent with and constitutes a direct challenge to existing federal law, including but not limited to the Illegal Immigration Reform and Immigration Responsibility Act, and as such is constitutionally suspect; and

WHEREAS, within Senate Bill 54, the California Values Act is codified into Government Code Title 1, Division 7, Chapter 17.25 entitled "Cooperation with Immigration Authorities," which generally limits California's law enforcement agencies and creates a threat to public safety by not only by restricting law enforcement agencies' ability to cooperate and work with federal immigration authorities, but also releasing perpetrators who have committed serious felonies (including, but not limited to, sex crimes, domestic violence, assault and battery, identity theft, robbery, and homicide) into communities who otherwise would be subject to further federal immigration penalties, including and up to deportation; and

WHEREAS, the City of Porterville, when accepting federal contracts and/or grants must comply with federal law, including lawful demands to access certain premises; and

NOW, THEREFORE, it is hereby DECLARED and ORDERED, as follows:

1. The City Council of the City of Porterville does hereby reaffirm its sworn oath to uphold and defend all laws, including the Constitution of the United States and the State of California, and all relevant federal immigration laws.
2. The City Council is committed to protecting the City of Porterville's residents through the enforcement of local, state, and federal laws, and that the adoption of Senate Bill 54 has created a conflict between state and federal law, restricting law enforcement's ability to cooperate with federal authorities in investigations and enforcement actions to protect California's residents.
3. The City Council will continue to support the efforts of local law enforcement partners in keeping our communities safe.

This Resolution shall take effect from and after the date of its passage and adoption by this Council.

PASSED, APPROVED, AND ADOPTED this 1<sup>st</sup> day of May, 2018.

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Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

By: \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk