



## AGENDA BILL

Agenda Item No. 7(A)

**Date:** March 21, 2017  
**To:** El Cerrito City Council  
**From:** Human Relations Commission  
Karen Pinkos, Assistant City Manager, Staff Liaison  
**Subject:** Affirming the City of El Cerrito's Values and Declaring El Cerrito a Sanctuary City and Support for SB 54, the California Values Act

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### **ACTION REQUESTED**

1. Adopt a resolution of the City Council of the City of El Cerrito affirming the City's commitment to the values of dignity, inclusivity, and respect for all individuals regardless of ethnic or national origin, gender identity, race, religious affiliation, sexual orientation, age, disability, or immigration status and declaring El Cerrito a Sanctuary City.
2. Adopt a resolution of the City Council of the City of El Cerrito supporting Senate Bill 54 , "The California Values Act" (de León)

### **BACKGROUND**

The City of El Cerrito has a long history of policies and legislation that promotes inclusivity, respect, and dignity. In 1989, after having participated in the Contra Costa County Human Relations Commission for over a decade and at the request of a resident task force, the City Council created the City's own Human Relations Commission with such powers and duties the City Council specifies by ordinance, including the intent to educate, initiate, and encourage the community in eliminating all forms of prejudice and discrimination, and promote tolerance and understanding. Since its creation, the Human Relations Commission (HRC) has endeavored to lead the community in supporting positive human relations and contributing to the City's diversity and inclusion, including hosting events such as the annual Martin Luther King, Jr. Day celebration, diversity forums, and Loving Day; and promoting City Council legislation to honor various cultures, the LGBT community, and Human Rights. In 2016, the HRC initiated the "Stop Hate" and "Not In Our Town" campaigns in response to a hate crime in El Cerrito, pledging to challenge hate and prejudice in all its forms, whenever we encounter it, whether at home, at school, at work, or in the community, and to stand with others who are treated unfairly.

At the Human Relations Commission (HRC) meeting of February 1, 2017, the HRC considered an agenda item regarding developing a recommendation to the El Cerrito City Council to take action to protect immigrants in El Cerrito, including but not limited to consideration of elements of sanctuary cities and supporting state legislation to protect the immigrant population. The meeting was attended by almost 70 members of the public, who showed strong support for such a recommendation. The HRC appointed a

subcommittee of Commissioners Aga and Glueck to work with Staff Liaison Pinkos to draft a proposed resolution for the City Council to consider.

The subcommittee met twice with staff and developed the attached draft resolution for the City Council's consideration. The resolution is based on research of similar legislation passed by other local cities, and considered the public input received at both the February 1 meeting of the HRC as well as other public comment and feedback received by staff over the past several weeks.

At the HRC meeting on March 1, 2017, the subcommittee presented the draft resolution to the full Commission and heard public comment from over 20 people on the various elements included within the resolution. The public feedback continued to show strong support for the HRC to move forward with the recommendation. The HRC unanimously approved two motions: 1. The HRC recommends that the El Cerrito City Council declare the City of El Cerrito a Sanctuary City and that the City Council adopt a proposed resolution drafted by the HRC subcommittee and City staff; 2. The HRC recommends that the El Cerrito City Council support Senate Bill 54, "The California Values Act" (de León).

### **ANALYSIS**

The term "sanctuary city" is not defined by Federal or State law, but it is often used to refer to those local entities that have policies in place that limit assistance for local enforcement of Federal immigration laws and the expenditure of local resources on cooperation with U.S. Immigration and Customs Enforcement Agency (ICE) enforcement programs. Supporters of such policies argue that cities have local obligations, and that diverting local resources to support the enforcement of Federal programs designed to deter or discourage unauthorized immigration would undermine community relations, disrupt municipal services, interfere with local law enforcement, or violate humanitarian principles. Opponents argue that local jurisdictions which refuse to support Federal immigration policy are encouraging illegal immigration and are undermining Federal enforcement efforts.

The Federal government has the exclusive authority to enforce the civil provisions of Federal immigration law relating to issues such as admission, exclusion, and deportation. Existing law generally allows the Federal government to permit, but not require, the assistance of local officials in such efforts. In 1996, the Federal government enacted two pieces of legislation that prohibit state or local governments from restricting voluntary communication with the Federal government regarding the immigration status of any individual: § 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA, 8 U.S.C. § 1644) and § 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA, 8 U.S.C. § 1373). Both pieces of legislation were designed to facilitate communication between state and local law enforcement agencies with Federal immigration authorities regarding undocumented immigrants. While neither of these statutes requires local cooperation or information sharing with Federal immigration authorities, both prohibit a policy, statute or ordinance that directly prohibits the voluntary sharing of information once it is acquired. When conducting its work, ICE generally relies upon cooperation or notification from local law enforcement to the extent practicable and allowed by state

and local laws and practices. Refusing to provide such notice or cooperation limits, but does not prevent, the Federal government's ability to enforce Federal immigration laws.

President Trump issued Executive Order 13768, "*Enhancing Public Safety in the Interior of the United States*", on January 25, 2017: The Executive Order states that "...jurisdictions that willfully refuse to comply with 8 U.S.C. 1373 (sanctuary jurisdictions) are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes by the Attorney General or the Secretary." The Executive Order defines a sanctuary city as "jurisdictions that willfully refuse to comply with statute 1373" and the Secretary of Homeland Security has the independent discretion to designate any such jurisdictions. Section 8 U.S.C. § 1373 provides that "Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual."

According to the Order, a city is also subject to enforcement actions at the discretion of the Attorney General if: 1) they violate Section 1373, or 2) they have policies or practices that prevent or hinder the enforcement of the Federal law. In addition, the order directs the Secretary of Homeland Security to develop a weekly list of jurisdictions that have failed to honor detainers and all resulting criminal acts. Finally, the OMB Director is directed to provide information on all Federal grant money that is currently received by a sanctuary city.

Following the November election and in advance of President Trump's inauguration, local officials in more than ten major cities, including San Francisco, Oakland, Los Angeles, New York, Chicago, and Washington, D.C., reaffirmed their commitment to upholding their status as "sanctuary cities". Other cities in the Bay Area have also adopted various resolutions or other policy statements declaring their intention to remain places of refuge or sanctuary, including the Cities of Richmond, Alameda, Berkeley, Emeryville, and San Leandro. On January 31, 2017, the City and County of San Francisco filed a lawsuit in U.S. District Court in the Northern District of California, alleging that President Trump's order violates the 10th Amendment.

At the State level, The Trust Act went into effect January 1, 2014; one of eight bills signed at the same time in the State's effort to take action on immigration reform and create a standard for response to the Federal "Secure Communities" program. It requires local law enforcement agencies to release people who have been arrested once their bond is posted or their sentence is up, so long as they have no serious convictions and even if ICE officials have issued a detainer. The replacement "Priority Enforcement Program" focused on those who pose a danger to society, although "Secure Communities" has now been re-established by Executive Order from President Trump. On September 28, 2016, the Governor also signed into law AB 2792, otherwise known as the TRUTH Act, which states that if ICE notifies a California jail that they plan to deport someone, they have to also serve a copy to the person in jail. This gives the person the "right to know" when ICE wants to deport him/her so they can seek counsel.

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In December 2016, Senate Pro Tem Kevin de León introduced SB 54, which would prohibit local law enforcement officials from performing the functions of a federal immigration officer. If enacted into law, it would create “safe zones” throughout the state by prohibiting immigration enforcement on public schools, hospitals, and courthouse premises. To ensure eligible immigrants are not deterred from seeking services and engaging with state agencies, the bill would also require state agencies to review and update confidentiality policies.

On a local level, the West Contra Costa Unified School District passed Resolution 54-1617 on December 7, 2016, committing to the protection of all traditionally marginalized students, including students of Arabic descent, those of Muslim, Sikh and other faiths, Latinos, African Americans, Asian Americans, Pacific Islanders, Native Americans, women, immigrants, persons with disabilities, and the LGBTQ community; and declares that every school site or office of West Contra Costa Unified School District is a safe place for all its students and their families.

### El Cerrito Practices

El Cerrito has a strong tradition of embracing diversity and inclusion and respecting the civil and human rights of our residents regardless of their ethnic or national origin, gender identity, race, religious affiliation, sexual orientation, disability, or immigration status. The City participated in the Contra Costa County Human Relations Commission since the 1970s and in 1989, at the request of a resident task force, the City Council created the City’s own Human Relations Commission as an advisory body to the City Council. The HRC has such powers and duties the City Council specifies by ordinance, including the intent to educate, initiate, and encourage the community in eliminating all forms of prejudice and discrimination, and promote tolerance and understanding. To this day, the HRC fosters mutual understanding, respect, equality, and goodwill among those in our community.

The City of El Cerrito Police Department (ECPD) equally enforces the law and serves the public without consideration of immigration status. The lack of immigration documentation, alone, has no bearing on the manner in which police officers execute their duties. The Department does not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant, and individuals who are otherwise ready to be released are not detained solely for notification to immigration authorities. Consistent with adopted protocols and relevant laws and statutes, contacts with members of the public, detentions, and arrests must be based on reasonable suspicion or probable cause, and police officers do not initiate law enforcement action based solely on observations related to a subject’s actual or perceived immigration status. ECPD also does not participate with Federal agents seeking to enforce Federal immigration law or to target individuals for detention or forced relocation based upon their actual or perceived religious affiliation, race, sex, ethnic or national origin, gender identity, age, disability, or other status. Nevertheless, any individual who is arrested for committing a crime will continue to be charged and/or referred to the District Attorney’s Office for prosecution irrespective of his/her immigration status.

Proposed Resolution

The proposed resolution for the City Council’s consideration developed by the Human Relations Commission and City staff is intended to reflect the values of the City of El Cerrito, and to affirm that El Cerrito welcomes, honors, and respects the contributions of all residents, regardless of their religious affiliation, race, national or ethnic origin, gender identity, sexual orientation, disability, or immigration status. The resolution commits that all officials and employees of the City of El Cerrito, including law enforcement officers, will continue to serve the public and equally enforce laws without consideration of immigration status, and explains that fostering a relationship of trust, respect, and open communication between City officials and residents is essential to the City’s mission. The resolution also confirms the City of El Cerrito’s commitment to protect the rights guaranteed by the Federal and State Constitutions, including the freedom of religion, speech, assembly, privacy, as well as equal protection. The proposed resolution explicitly declares El Cerrito a Sanctuary City.

Potential Impacts

If the President or Congress ultimately carries through on the Executive Order to limit the amount of Federal funds allocated to jurisdictions that support “sanctuary” policies, the City of El Cerrito may be at risk of future defunding and lost access to current and anticipated federal funding if the City Council adopts the proposed resolution. The City currently receives Federal grant funding primarily for transportation and public safety related projects. Table 1 outlines the Federal grants received by the City since 2013. Table 2 depicts potential Federal grant awards for projects that are part of pending grant applications that were submitted in December 2016.

**Table 1  
Federal Grant Awards 2013-present**

<b>Grant Name</b>	<b>Source of Funds</b>	<b>Project(s)</b>	<b>Total Amount</b>
MTC PDA Planning Grant	Surface Transportation (STP); Federal Hwy Admin (FHWA)	Sanitary Capacity, Affordable Housing Strategy, Del Norte Area parking, Transportation Impact	\$302,500
CCTA PDA Planning Grant	Surface Transportation (STP); Federal Hwy Admin (FHWA)	On Street Parking Study, Sanitary Capacity, Economics of PDA	317,000
One BayArea Grant (OBAG)	FHWA	Ohlone Greenway Access, Safety & Placemaking Project	3,468,000
Land and Water Conservation Fund	National Park Service/ Department of Interior	Hillside Natural Area Acquisition	251,525
One BayArea Grant (OBAG)	FHWA	2014 Pavement Rehab Program	630,000
Assistance to Firefighters Grant (AFG)	FEMA	Ladder Truck	855,956
Assistance to Firefighters Grant (AFG)	FEMA	Breathing Apparatus	160,000
Assistance to Firefighters Grant (AFG)	FEMA	Automated Chest Compression Devices	65,338
<b>Total Federal Grant Awards (2013-present)</b>			<b>\$6,050,319</b>

**Table 2  
Potential Federal Grant Awards**

<b>Grant Name</b>	<b>Source of Funds</b>	<b>Project(s)</b>	<b>Total Amount</b>
One BayArea Grant (OBAG)	FHWA	El Cerrito del Norte TOD Complete Street Improvements	\$4,500,000
One BayArea Grant (OBAG)	FHWA	Carlson Blvd and Central Ave Pavement Rehab	544,000
One BayArea Grant (OBAG)	FHWA	Arlington Blvd Ped Safety Improvements	345,300
<b>Total Potential Federal Grant Awards</b>			<b>\$5,389,300</b>

**STRATEGIC PLAN CONSIDERATIONS**

The proposed resolution is in harmony with the City’s Strategic Plan mission, vision, and values, particularly the values of Ethics and Integrity and Inclusiveness and Respect for Diversity; and will help fulfill Goal A: Deliver Exemplary Government Services, Goal C: Deepen a Sense of Place and Community Identity, and Goal E: Ensure the Public’s Health and Safety.

**FINANCIAL CONSIDERATIONS**

Since Federal efforts to deter sanctuary policies are an evolving issue that will inevitably be subject to future litigation, the precise fiscal effects associated with adopting this resolution are not yet fully known. Nevertheless, the City is at risk of losing access to millions of dollars in funding that would otherwise be used towards various projects and programs designed to benefit the health, welfare, and safety of the public.

**LEGAL CONSIDERATIONS**

Organizations that specialize in immigration law, such as the National Immigration Law Center, have opined that typical sanctuary city policies such as the one proposed in the proposed resolution do not violate Section 1373, and that Executive Order 13768 is unconstitutional both on its face and as it would be applied to a city following a typical sanctuary city policy, including the one proposed. The City Attorney concurs with that assessment. It is important to bear in mind two additional considerations: on one hand, this area of law is not well developed, and the issues are highly politicized. It is therefore difficult to assess in advance how any particular judge would rule on the issue. On the other hand, local government agencies, such as San Francisco, are already challenging the Executive Order. It is therefore unlikely that El Cerrito would be the test case.

Section 1373 prohibits local and state governments from enacting laws or policies that limit communication with the Department of Homeland Security (DHS) about information regarding the immigration or citizenship status of individuals or maintaining such information. It does not mandate any affirmative action on the part of law enforcement. The City’s proposed resolution does not specifically limit communicating with DHS about individuals’ citizenship or immigration status, or prohibit the maintaining (but not collecting) of such information. Further, the resolution’s limits on action by City employees are to be implemented in accordance with Federal law. To the extent that Federal law legitimately requires communication or coordination with DHS, City

employees will do so. Section 1373 does not require that the City collect, maintain, or communicate information about an individual's immigration status or to detain individuals solely on the basis of their immigration status. The Executive Order purports to deny Federal grant funding to local government agencies that violation Section 1373. The City's policy is in compliance with the plain terms of Section 1373 and therefore also complies with the Executive Order.

Although the level of discretion and ambiguity afforded the Attorney General and Secretary of Homeland Security to enforce the Executive Order make it difficult to know exactly which practices, statutes, or policies might be treated as violations of section 1373 in the future, there are good arguments that the denial of "all Federal grant money" would be an unconstitutional penalty. It also seems likely that if this issue is resolved by the courts, it will be done by parties other than El Cerrito, and that the City would have an opportunity to review its policy prior to any penalty actually being imposed.

**Reviewed by:**



**Scott Hanin**  
**City Manager**

**Attachments:**

1. Resolution affirming the City's commitment to the values of dignity, inclusivity, and respect for all individuals regardless of ethnic or national origin, gender identity, race, religious affiliation, sexual orientation, age, disability, or immigration status and declaring El Cerrito a Sanctuary City.
2. Resolution supporting Senate Bill 54 , "The California Values Act" (de León)
3. Fact Sheet on SB 54
4. Bill Text and Status

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AFFIRMING THE CITY OF EL CERRITO'S COMMITMENT TO THE VALUES OF DIGNITY, INCLUSIVITY, AND RESPECT FOR ALL INDIVIDUALS REGARDLESS OF ETHNIC OR NATIONAL ORIGIN, GENDER IDENTITY, RACE, RELIGIOUS AFFILIATION, SEXUAL ORIENTATION, AGE, DISABILITY, OR IMMIGRATION STATUS AND DECLARING EL CERRITO A SANCTUARY CITY

WHEREAS the City of El Cerrito recognizes that the Constitution of the United States and Constitution of the State of California enshrine the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, privacy, and the equal protection of all the City's residents, regardless of religious affiliation, race, national or ethnic origin, gender identity, sexual orientation, age, disability, or immigration status; and

WHEREAS each of the City of El Cerrito's duly elected or appointed public servants have sworn to defend and uphold the United States Constitution and the Constitution of the State of California; and

WHEREAS, the City of El Cerrito has long embraced and welcomed individuals of diverse religious, racial, national or ethnic origin, gender identity, age, ability, and sexual orientation backgrounds, including a large immigrant population; and

WHEREAS, immigration has been the cornerstone of the City of El Cerrito, the region, the state, and the nation's development throughout our history; and

WHEREAS, the City of El Cerrito welcomes, honors and respects the contribution of all its residents, regardless of their religious affiliation, race, national or ethnic origin, gender identity, sexual orientation, age, disability, or immigration status; and

WHEREAS, the City of El Cerrito has a long history of policies and legislation that promotes inclusivity, respect, and dignity; and

WHEREAS, in 1989, after having participated in the Contra Costa County Human Relations Commission for over a decade and at the request of a resident task force, the City Council created the City's own Human Relations Commission with such powers and duties the City Council specifies by ordinance, including the intent to educate, initiate, and encourage the community in eliminating all forms of prejudice and discrimination, and promote tolerance and understanding; and

WHEREAS, since its creation the Human Relations Commission has endeavored to lead the community in supporting positive human relations and contributing to the City's diversity and inclusion, including hosting events such as the annual Martin Luther King, Jr. Day celebration, diversity forums, and Loving Day; and promoting City Council legislation to honor various cultures, the LGBTQ community, and Human Rights; and

WHEREAS, in 2016 the City's Human Relations Commission initiated the "Stop Hate" and "Not In Our Town" campaigns in response to a hate crime in El Cerrito, pledging to challenge hate and prejudice in all its forms, whenever we encounter it, whether at home, at school, at work, or in the community, and to stand with others who are treated unfairly; and

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WHEREAS, on December 7, 2016 the West Contra Costa Unified School District passed Resolution 54-1617, committing to the protection of all traditionally marginalized students, including students of Arabic descent, those of Muslim, Sikh and other faiths, Latinos, African Americans, Asian Americans, Pacific Islanders, Native Americans, women, immigrants, persons with disabilities, and the LGBTQ community; and declares that every school site or office of West Contra Costa Unified School District is a safe place for all its students and their families; and

WHEREAS, in the State of California, the Trust Act went into effect January 1, 2014; requiring that local law enforcement agencies to release people who have been arrested once their bond is posted or their sentence is up, so long as they have no serious convictions and even if ICE officials have issued a detainer; and the TRUTH Act was signed into law on September 28, 2016 and provides "Know Your Rights" to every individual, ensures fair notice to every individual, and shines a light on and increases transparency around local engagement with the Federal Immigration and Customs Enforcement Service; and

WHEREAS, the City of El Cerrito was impacted in 1942 when President Franklin D. Roosevelt signed Executive Order 9066 resulting in the relocation and incarceration of more than 120,000 Japanese-Americans in the western United States, including many residents of El Cerrito, individuals who were vital to the growth and economy of El Cerrito, who were leaders in the nursery community, and who were among the earliest residents of El Cerrito; and

WHEREAS, the City of El Cerrito's diverse population of residents of different religious affiliations, races, national or ethnic origin, gender identity, sexual orientation, ages, abilities, or immigration status contribute to the economic and social fabric of the City by establishing and patronizing businesses, contributing to arts and culture, and achieving significant educational accomplishments; and

WHEREAS, fostering a relationship of trust, respect, and open communication between City officials and residents is essential to the City's mission of delivering efficient public services in partnership with our community which ensures public safety, a prosperous economic environment, opportunities for our youth, and a high quality of life for residents; and

WHEREAS, the City of El Cerrito seeks to continue to foster trust between City officials and residents, to protect limited local resources, to encourage cooperation between residents and City officials including law enforcement officers and employees, to protect vulnerable populations, and to ensure public safety and due process for all; and

WHEREAS, the conflation of Federal civil immigration law enforcement and local criminal law enforcement experienced in other communities has resulted in considerable erosion of public safety by creating social distance between law enforcement officers and the community; and

WHEREAS, the City of El Cerrito desires to address the fears and concerns of its residents in relation to an individual's religious affiliation, race, national or ethnic origin, gender identity, sexual orientation, age, disability, or immigration status; while at the same time being mindful that it must maintain positions on Federal policy that do not affect the financial stability of the City of El Cerrito in ways that are detrimental to the health and safety of its residents; and

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WHEREAS, the City of El Cerrito desires to demonstrate its commitment to its residents by unequivocally stating that it will safeguard the values enshrined in our Federal and State Constitutions by providing a safe community to all residents who are fearful by assuring them that the City will not expend any funds, nor use its resources, including staff, to administer Federal immigration laws which are under the exclusive jurisdiction of the Federal government.

NOW THEREFORE, the City of El Cerrito City Council does hereby declare that it is a Sanctuary City, and resolves as follows:

Section 1. In accordance with State and Federal law, City of El Cerrito officials and employees, including its law enforcement officers, shall not:

- a) actively participate with Federal agents seeking to enforce Federal immigration law or to target individuals for detention or forced relocation based upon their actual or perceived religious affiliation, race, sex, ethnic or national origin, gender identity, age, disability, immigration status, or other historically disadvantaged category;
- b) use City monies, resources, or personnel to investigate, question, detect, apprehend, or register persons suspected or determined by proper adjudicatory authorities (after the exhaustion of all applicable appeals) only to have committed a civil violation of Federal immigration law or persons targeted by a Federal agency for detention or forced relocation based upon their actual or perceived religious affiliation, race, sex, ethnic or national origin, gender identity, sexual orientation, age, disability, immigration status, or other historically disadvantaged category;
- c) enter into a 287(g) memorandum of agreement with Department of Homeland Security to partner with U.S. Immigration and Customs Enforcement (ICE) in order to receive delegated authority for immigration enforcement within the City's jurisdiction.

Section 2. In accordance with State and Federal law, City of El Cerrito officials and employees, including its law enforcement officers, may continue to cooperate with Federal immigration agencies in matters involving criminal activity and the protection of public safety. For the purposes of this resolution only, "criminal activity" means a violation of criminal law and not an actual or suspected civil violation of Federal immigration law. For the purposes of this resolution only, a person is not involved in criminal activity if a Federal agency seeks to detain or forcibly relocate them because of the person's actual or perceived religious affiliation, race, sex, ethnic or national origin, gender identity, sexual orientation, age, disability, immigration status, or other historically disadvantaged category.

Section 3. City of El Cerrito officials and employees, including its law enforcement officers, shall not take any direct action against any individual based solely on their actual or perceived immigration status, religious affiliation, race, sex, ethnic or national origin, gender identity, sexual orientation, age, disability, or other historically disadvantaged category. City of El Cerrito officials and employees, including its law enforcement officers, shall not detain any individual in local custody solely for a civil immigration hold unless the individual has been convicted of or charged with criminal activity and the City would normally detain an individual on the basis of that charge or conviction.

Section 4. City of El Cerrito officials and employees will not use any public resources or honor any Federal program requiring the registration of individuals on the basis of an individual's actual or perceived immigration status, religious affiliation, race, national or ethnic

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origin, gender identity, sexual orientation, age, disability, or other historically disadvantaged category.

Section 5: City staff shall monitor any efforts by the Federal government to withhold or withdraw Federal funding as a result of the City's policies to protect and defend its diverse community and shall take all actions necessary to protect such funding.

I CERTIFY that at a regular meeting on March XX, 2017 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSTAIN:       COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on March XX, 2017.

\_\_\_\_\_  
Cheryl Morse, City Clerk

APPROVED:

\_\_\_\_\_  
Janet Abelson, Mayor

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO SUPPORTING SB 54 (DE LEÓN), THE CALIFORNIA VALUES ACT.

WHEREAS the City of El Cerrito recognizes that the Constitution of the United States and Constitution of the State of California enshrine the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, privacy, and the equal protection of all the City's residents, regardless of religious affiliation, race, national or ethnic origin, gender identity, sexual orientation, or immigration status; and

WHEREAS, the City of El Cerrito has long embraced and welcomed individuals of diverse religious, racial, national or ethnic origin, gender identity, and sexual orientation backgrounds, including a large immigrant population; and

WHEREAS, immigration has been the cornerstone of the City of El Cerrito, the region, the state, and the nation's development throughout our history; and

WHEREAS, the conflation of federal civil immigration law enforcement and local criminal law enforcement experienced in other communities has resulted in considerable erosion of public safety by creating social distance between law enforcement officers and the community; and

WHEREAS, SB 54 (de León), the California Values Act, seeks to protect the safety and well-being of all Californians by ensuring that state and local resources are not used to fuel mass deportations, separate families, or divide Californians on the basis of race, gender, sexual orientation, religion, immigration status, or national or ethnic origins; and

WHEREAS, SB 54 upholds California's core values of equal treatment, community, family unity, and common humanity by ensuring that California's police departments, schools, hospitals, and courts remain accessible to Californians from all walks of life; and

WHEREAS, at this time of rising national division and scapegoating of immigrant communities, the California Values Act reaffirms the state's commitment to valuing and protecting its immigrant communities and sends a powerful message of inclusion across the nation.

NOW THEREFORE BE IT RESOLVED, that the City of El Cerrito City Council supports SB 54 (de León), the California Values Act, and urges the California Legislature and the Governor to pass this legislation.

I CERTIFY that at a regular meeting on March X, 2017 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

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**Attachment 2**

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on March XX, 2017.

\_\_\_\_\_  
Cheryl Morse, City Clerk

APPROVED:

\_\_\_\_\_  
Janet Abelson, Mayor

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STANDING COMMITTEE  
SENATE RULES  
CHAIR

SENATOR KEVIN DE LEÓN  
PRESIDENT PRO TEMPORE

**SB 54 (De León) The California Values Act**

**Purpose**

To protect the safety and well-being of all Californians by ensuring that state and local resources are not used to fuel mass deportations, separate families, and ultimately hurt California's economy.

**Background**

The President has stated publicly that he will order the increased deportation of a broad category of immigrants and that doing so will be a top priority. Any expansion of federal deportation efforts will have a significant effect on California's economy and society.

A relationship of trust between California's immigrant residents and our state and local agencies, including police, schools, and hospitals, is essential to carrying out basic state and local functions. That trust is threatened when state and local agencies are involved in immigration enforcement.

According to the President Obama's Taskforce on 21<sup>st</sup> Century Policing, "Immigrants often fear approaching police officers when they are victims of and witnesses to crimes and when local police are entangled with federal immigration enforcement. At all levels of government, it is important that laws, policies, and practices not hinder the ability of local law enforcement to build the strong relationships necessary to public safety and community well-being. It is the view of this task force that whenever possible, state and local law enforcement should not be involved in immigration enforcement."<sup>1</sup> A study conducted by the University of Illinois similarly found that 44 percent of Latinos are less likely to contact police officers if they have been the victim of a crime because they fear that police officers will use this interaction as an opportunity to inquire about their immigration status or that of people they know.<sup>2</sup>

California is already familiar with the harmful effects of entangling local law enforcement agencies with immigration enforcement. Prior to its termination, the discredited "Secure Communities" program (S-Comm) operated in California as an indiscriminate mass deportation program at great cost to California both financially and otherwise. According to a report prepared by Justice Strategies in 2012, when the Secure Communities

<sup>1</sup> Final Report of the President's Taskforce on 21<sup>st</sup> Century Policing (May 2016).

<sup>2</sup> Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement, Nik Theodore, Dep't of Urban Planning and Policy, University of Illinois at Chicago (May 2013)

program was still active, California taxpayers spent an estimated \$65 million annually to detain people for ICE.<sup>3</sup>

For that reason, it is necessary to evaluate the appropriate use of state and local resources for immigration enforcement purposes and recognize the devastating impact deportations have on a state with thousands of mixed status families, and a heavily immigrant workforce.

### **Proposal**

The California Values Act will provide essential safeguards to ensure that police, schools, health facilities, and courts remain accessible to Californians from all walks of life and that California's limited resources are directed to matters of greatest concern to state and local governments.

1. State and local law enforcement agencies and school police and security departments will not engage in immigration enforcement. No state or local resources will be used to investigate, detain, detect, or arrest persons for immigration enforcement purposes. No state or local law enforcement agency will detain or transfer any person for deportation *without a judicial warrant*.
2. State agencies will review their confidentiality policies in order to ensure that eligible individuals are not deterred from seeking services or engaging with state agencies. State agencies shall not collect or share information from individuals unless necessary to perform agency duties.
3. California schools, health facilities, and courthouses will remain safe and accessible to all California residents, regardless of immigration status. Each shall establish and make public policies that limit immigration enforcement on their premises to the fullest extent possible consistent with federal and state law.

### **Support**

Abriendo Puertas/Opening Doors  
Alliance for Boys and Men of Color  
Alliance San Diego  
American Academy of Pediatrics, California  
Asian Americans Advancing Justice - California  
Asian American Criminal Trial Lawyers Association  
Asian Law Alliance  
ASPIRE  
Bill Wilson Center  
California Adolescent Health Collaborative  
California Association for Bilingual Education  
California Central Valley Journey for Justice  
California La Raza Lawyers Association  
California Partnership to End Domestic Violence  
Californians for Justice Education Fund  
Californians Together Coalition

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<sup>3</sup> See Judith Greene, "The Cost of Responding to Immigration Detainers in California," Justice Strategies Report, August 22, 2012.

Center for Gender & Refugee Studies  
Central American Resource Center - Los Angeles  
Centro Laboral de Graton  
Children's Defense Fund - CA  
Courage Campaign  
CREDO  
Dream Team Los Angeles  
Equality California  
Esperanza Immigrant Rights Project of Catholic Charities of Los Angeles  
Evergreen Teachers Association  
Faith in the Valley  
Filipino Youth Coalition  
Immigrant Legal Resource Center  
Inland Coalition for Immigrant Justice  
Inland Empire Immigrant Youth Coalition  
Koreatown Immigrant Workers Alliance  
La Raza Roundtable de California  
Latino and Latina Roundtable  
Latino Coalition for a Healthy California  
Loyola Immigrant Justice Clinic  
Mexican American Legal Defense and Educational Fund  
Mi Familia Vota  
Mixteco/Indigena Community Organizing Project  
Monument Impact  
Muslim Student Association West  
National Lawyers Guild, Los Angeles  
North County Immigration Task Force of San Diego  
National Council of Jewish Women California  
National Day Laborer Organizing Network  
National Immigration Law Center  
Nikkei for Civil Rights & Redress  
Nikkei Progressives  
Orange County Immigrant Youth United  
Our Family Coalition  
Pangea Legal Services  
PolicyLink  
San Diego Dream Team  
San Diego Immigrant Rights Consortium  
San Diego La Raza Lawyers Association  
San Joaquin Immigrant Youth Collective  
Santa Cruz County Immigrant Rights Project  
Services, Immigrant Rights, and Education Network  
SEIU Local 1021  
Somos Mayfair  
South Asian Network  
Tongan American Youth Foundation  
The Children's Partnership  
Training Occupational Development Educating Communities Legal Center

Unite Here  
Uplift  
Village Connect, Inc.  
Voices for Progress Education Fund  
Warehouse Worker Resource Center  
YWCA Glendale

*For more information, please contact Alexandra Salgado, (916) 651-4024,  
[Alexandra.Salgado@sen.ca.gov](mailto:Alexandra.Salgado@sen.ca.gov)*



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

**Senate:** 1st Cmt 2nd 3rd

**Assembly:**

Bill Status	
<b>Measure:</b>	SB-54
<b>Lead Authors:</b>	De León (S)
<b>Principal Coauthors:</b>	Atkins (S) , Bonta (A) , Chiu (A) , Cooper (A) , Gomez (A) , Levine (A) , Pan (S) , Reyes (A) , Wiener (S)
<b>Coauthors:</b>	-
<b>Topic:</b>	Law enforcement: sharing data.
<b>31st Day in Print:</b>	01/05/17
<b>Title:</b>	An act to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of the Government Code, to re Section 11369 of the Health and Safety Code, and to add Sections 3058.10 and 3058.11 to the Penal Code, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.
<b>House Location:</b>	Senate
<b>Last Amended Date:</b>	03/06/17

Type of Measure
Active Bill - In Floor Process
Two Thirds Vote Required
Non-Appropriation
Fiscal Committee
State-Mandated Local Program
Urgency
Non-Tax levy

Last 5 History Actions	
Date	Action
03/14/17	Read second time. Ordered to third reading.
03/13/17	From committee: Do pass. (Ayes 5. Noes 2.) (March 13).
03/13/17	(Ayes 2. Noes 5.) (March 13)
03/13/17	Motion to place on APPR. suspense file failed.
03/06/17	From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.

Daily File Status		
File	File Date	Item
Sen 3rd Reading - Sen Bills	03-15-2017	15

AMENDED IN SENATE MARCH 6, 2017

AMENDED IN SENATE MARCH 1, 2017

AMENDED IN SENATE JANUARY 24, 2017

**SENATE BILL**

**No. 54**

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**Introduced by Senator De León**

**(Principal coauthors: Senators Atkins, Pan, and Wiener)**

(Principal coauthors: Assembly Members Bonta, Chiu, Cooper, Gomez,  
Levine, and Reyes)

December 5, 2016

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An act to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of the Government Code, to repeal Section 11369 of the Health and Safety Code, and to add Sections 3058.10 and 3058.11 to the Penal Code, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 54, as amended, 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, prohibit state and local law enforcement ~~agencies and agencies, including~~ school police and security ~~departments~~ *departments*, from using resources to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified. The bill would require, within 3 months after the effective date of the bill, 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 those entities for those purposes. The bill would require all public schools, health facilities operated by the state or a political subdivision of the state, ~~courthouses, and shelters~~ *and courthouses* to implement the model policy, or an equivalent policy. The bill would state that 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 a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, to submit a report every 6 months to the Department of ~~Justice~~. *Justice, as specified*. The bill would require the Attorney General, within 14 months after the effective date of the bill, and twice a year 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 the Board of Parole Hearings or the Department of Corrections and Rehabilitation, as applicable, to notify the Federal Bureau of Investigation of the scheduled release on parole or postrelease community supervision, or rerelease following a period of confinement pursuant to a parole revocation without a new commitment, of all persons confined to state prison serving a term for the conviction of a violent felony, and would authorize the sheriff to notify the Federal Bureau of Investigation of the scheduled release of a person confined to county jail for a misdemeanor offense who has a prior conviction for a violent felony, as specified.

~~The~~

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

By imposing additional duties on public schools, 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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

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

3  
4 CHAPTER 17.25. COOPERATION WITH FEDERAL IMMIGRATION  
5 AUTHORITIES

6  
7 7284. This chapter shall be known, and may be cited, as the  
8 California Values Act.

9 7284.2. The Legislature finds and declares the following:

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

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

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

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

1 (e) State and local participation in federal immigration  
2 enforcement programs also raises constitutional concerns, including  
3 the prospect that California residents could be detained in violation  
4 of the Fourth Amendment to the United States Constitution,  
5 targeted on the basis of race or ethnicity in violation of the Equal  
6 Protection Clause, or denied access to education based on  
7 immigration status.

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

12 7284.4. For purposes of this chapter, the following terms have  
13 the following meanings:

14 (a) "California law enforcement agency" means a state or local  
15 law enforcement agency, including school police or security  
16 departments.

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

21 (c) "Federal immigration authority" means any officer,  
22 employee, or person otherwise paid by or acting as an agent of  
23 United States Immigration and Customs Enforcement or United  
24 States Customs and Border Protection, or any division thereof, or  
25 any other officer, employee, or person otherwise paid by or acting  
26 as an agent of the United States Department of Homeland Security  
27 who is charged with immigration enforcement.

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

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

38 (f) "Immigration enforcement" includes any and all efforts to  
39 investigate, enforce, or assist in the investigation or enforcement  
40 of any federal civil immigration law, and also includes any and all

1 efforts to investigate, enforce, or assist in the investigation or  
2 enforcement of any federal criminal immigration law that penalizes  
3 a person’s presence in, entry, or reentry to, or employment in, the  
4 United States, including, but not limited to, violations of Section  
5 1253, 1324c, 1325, or 1326 of Title 8 of the United States Code.

6 (g) “Joint law enforcement task force” means a California law  
7 enforcement agency collaborating, engaging, or partnering with a  
8 federal law enforcement agency in investigating, interrogating,  
9 detaining, detecting, or arresting persons for violations of federal  
10 or state crimes.

11 (h) “Judicial warrant” means a warrant based on probable cause  
12 and issued by a federal judge or a federal magistrate judge that  
13 authorizes federal immigration authorities to take into custody the  
14 person who is the subject of the warrant.

15 (i) “Public schools” means all public elementary and secondary  
16 schools under the jurisdiction of local governing boards or a charter  
17 school board, the California State University, and the California  
18 Community Colleges.

19 (j) “School police and security departments” includes police  
20 and security departments of the California State University, the  
21 California Community Colleges, charter schools, county offices  
22 of education, schools, and school districts.

23 7284.6. (a) California law enforcement agencies shall not do  
24 any of the following:

25 (1) Use agency or department moneys, facilities, property,  
26 equipment, or personnel to investigate, interrogate, detain, detect,  
27 or arrest persons for immigration enforcement purposes, including,  
28 but not limited to, any of the following:

29 (A) Inquiring into or collecting information about an individual’s  
30 immigration status, except as required to comply with Section  
31 922(d)(5) of Title 18 of the United States Code.

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

33 (C) Responding to requests for notification or transfer requests.

34 (D) Providing or responding to requests for nonpublicly  
35 available personal information about an individual, including, but  
36 not limited to, information about the person’s release date, home  
37 address, or work address for immigration enforcement purposes.

38 (E) Making arrests based on civil immigration warrants.

1 (F) Giving federal immigration authorities access to interview  
2 individuals in agency or department custody for immigration  
3 enforcement purposes.

4 (G) Assisting federal immigration authorities in the activities  
5 described in Section 1357(a)(3) of Title 8 of the United States  
6 Code.

7 (H) Performing the functions of an immigration officer, whether  
8 pursuant to Section 1357(g) of Title 8 of the United States Code  
9 or any other law, regulation, or policy, whether formal or informal.

10 (2) Make agency or department databases, including databases  
11 maintained for the agency or department by private vendors, or  
12 the information therein other than information regarding an  
13 individual’s citizenship or immigration status, available to anyone  
14 or any entity for the purpose of immigration enforcement. Any  
15 agreements in existence on the date that this chapter becomes  
16 operative that conflict with the terms of this paragraph are  
17 terminated on that date. A person or entity provided access to  
18 agency or department databases shall certify in writing that the  
19 database will not be used for the purposes prohibited by this  
20 section.

21 (3) Place peace officers under the supervision of federal agencies  
22 or employ peace officers deputized as special federal officers or  
23 special federal deputies except to the extent those peace officers  
24 remain subject to California law governing conduct of peace  
25 officers and the policies of the employing agency.

26 (4) Use federal immigration authorities as interpreters for law  
27 enforcement matters relating to individuals in agency or department  
28 custody.

29 (b) Nothing in this section shall prevent any California law  
30 enforcement agency from doing any of the following:

31 (1) Responding to a request from federal immigration authorities  
32 for information about a specific person’s criminal history, including  
33 previous criminal arrests, convictions, and similar criminal history  
34 information accessed through the California Law Enforcement  
35 Telecommunications System (CLETS), where otherwise permitted  
36 by state law.

37 (2) Participating in a joint law enforcement task force, so long  
38 as the purpose of the joint law enforcement task force is not  
39 immigration enforcement, as defined in subdivision (f) of Section  
40 7284.4.

1 (c) If a California law enforcement agency chooses to participate  
2 in a joint law enforcement task force, it shall submit a report every  
3 six months to the Department of Justice, as specified by the  
4 Attorney General. ~~Sensitive information, as determined by the~~  
5 ~~Attorney General, The reporting agency or the Attorney General~~  
6 ~~may determine a report, in whole or in part, is not a public record~~  
7 for purposes of the California Public Records Act pursuant to  
8 subdivision (f) of Section 6254 of the Government Code. *to prevent*  
9 *the disclosure of sensitive information, including, but not limited*  
10 *to, an ongoing operation or a confidential informant.*

11 (d) The Attorney General, within 14 months after the effective  
12 date of the act that added this section, and twice a year thereafter,  
13 shall report on the types and frequency of joint law enforcement  
14 task forces. The report shall include, for the reporting period,  
15 assessments on compliance with paragraph (2) of subdivision (b),  
16 a list of all California law enforcement agencies that participate  
17 in joint law enforcement task forces, a list of joint law enforcement  
18 task forces operating in the state and their purposes, the number  
19 of arrests made associated with joint law enforcement task forces  
20 for the violation of federal or state crimes, and the number of arrests  
21 made associated with joint law enforcement task forces for the  
22 purpose of immigration enforcement by all task force participants,  
23 including federal law enforcement agencies. The Attorney General  
24 shall post the reports required by this subdivision on the Attorney  
25 General's Internet Web site.

26 (e) Notwithstanding any other law, in no event shall a California  
27 law enforcement agency transfer an individual to federal  
28 immigration authorities for purposes of immigration enforcement  
29 or detain an individual at the request of federal immigration  
30 authorities for purposes of immigration enforcement absent a  
31 judicial warrant. This subdivision does not limit the scope of  
32 subdivision (a).

33 (f) This section does not prohibit or restrict any government  
34 entity or official from sending to, or receiving from, federal  
35 immigration authorities, information regarding the citizenship or  
36 immigration status, lawful or unlawful, of an individual pursuant  
37 to Sections 1373 and 1644 of Title 8 of the United States Code.

38 7284.8. The Attorney General, within three months after the  
39 effective date of the act that added this section, in consultation  
40 with the appropriate stakeholders, shall publish model policies

1 limiting assistance with immigration enforcement to the fullest  
2 extent possible consistent with federal and state law at public  
3 schools, health facilities operated by the state or a political  
4 subdivision of the state, courthouses, Division of Labor Standards  
5 Enforcement facilities, and shelters, and ensuring that they remain  
6 safe and accessible to all California residents, regardless of  
7 immigration status. All public schools, health facilities operated  
8 by the state or a political subdivision of the state, and courthouses  
9 shall implement the model policy, or an equivalent policy. All  
10 other organizations and entities that provide services related to  
11 physical or mental health and wellness, education, or access to  
12 justice, including the University of California, are encouraged to  
13 adopt the model policy.

14 7284.10. The provisions of this act are severable. If any  
15 provision of this act or its application is held invalid, that invalidity  
16 shall not affect other provisions or applications that can be given  
17 effect without the invalid provision or application.

18 SEC. 2. Section 11369 of the Health and Safety Code is  
19 repealed.

20 SEC. 3. Section 3058.10 is added to the Penal Code, to read:

21 3058.10. (a) The Board of Parole Hearings, with respect to  
22 inmates sentenced pursuant to subdivision (b) of Section 1168, or  
23 the Department of Corrections and Rehabilitation, with respect to  
24 inmates sentenced pursuant to Section 1170, shall notify the Federal  
25 Bureau of Investigation of the scheduled release on parole or  
26 postrelease community supervision, or rerelease following a period  
27 of confinement pursuant to a parole revocation without a new  
28 commitment, of all persons confined to state prison serving a term  
29 for the conviction of a violent felony listed in subdivision (c) of  
30 Section 667.5.

31 (b) The notification shall be made at least 60 days prior to the  
32 scheduled release date or as soon as practicable if notification  
33 cannot be provided at least 60 days prior to release. The only  
34 nonpublicly available personal information that the notification  
35 may include is the name of the person who is scheduled to be  
36 released and the scheduled date of release.

37 SEC. 4. Section 3058.11 is added to the Penal Code, to read:

38 3058.11. (a) Whenever any person confined to county jail is  
39 serving a term for the conviction of a misdemeanor offense and  
40 has a prior conviction for a violent felony listed in subdivision (c)

1 of Section 667.5 or has a prior felony conviction in another  
2 jurisdiction for an offense that has all the elements of a violent  
3 felony described in subdivision (c) of Section 667.5, the sheriff  
4 may notify the Federal Bureau of Investigation of the scheduled  
5 release of that person, provided that no local law or policy prohibits  
6 the sharing of that information with either the Federal Bureau of  
7 Investigation or federal immigration authorities.

8 (b) The notification may be made up to 60 days prior to the  
9 scheduled release date. The only nonpublicly available personal  
10 information that the notification may include is the name of the  
11 person who is scheduled to be released and the scheduled date of  
12 release.

13 SEC. 5. If the Commission on State Mandates determines that  
14 this act contains costs mandated by the state, reimbursement to  
15 local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.

18 SEC. 6. This act is an urgency statute necessary for the  
19 immediate preservation of the public peace, health, or safety within  
20 the meaning of Article IV of the California Constitution and shall  
21 go into immediate effect. The facts constituting the necessity are:

22 Because changes in federal immigration enforcement policies  
23 require a statewide standard that clarifies the appropriate level of  
24 cooperation between federal immigration enforcement agents and  
25 state and local governments as soon as possible, it is necessary for  
26 this measure to take effect immediately.