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Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

SB 805 (Pérez) – As Amended June 23, 2025

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**SUMMARY:** Requires federal, state, and local law enforcement personnel operating in California to visibly display identification to the public when performing their duties, and makes a violation of this requirement a misdemeanor, among other changes. Specifically, **this bill:**

- 1) Requires personnel of a law enforcement agency (LEA) operating in California, which means any officer of a local, state, or federal LEA or any person acting on behalf of a local, state, or federal LEA, except for personnel while operating undercover, to visibly display identification that includes either a name or badge number to the public when performing their duties, and makes a violation of this requirement a misdemeanor, punishable by imprisonment in county jail for up to six months, a fine of \$1,000, or both.
- 2) Authorizes an employee of an LEA, which includes any employee of any local, state, or federal LEA or any person acting on behalf of a local, state, or federal LEA, to request an alleged law enforcement employee to present identification when there is probable cause or reasonable suspicion of a crime, including, but not limited to, impersonating a peace officer, or when there is a legitimate safety concern.
- 3) Prohibits an individual authorized to apprehend a bail fugitive, an authority given to bail fugitive recovery agents, as defined, or a bail agent, bail permittee, bail solicitor, or licensed private investigator who also a bail fugitive recovery agent, from using that position for the purposes of immigration enforcement, as defined.
- 4) Requires such persons authorized to apprehend a bail fugitive to keep a defendant's immigration status confidential within their employing bail bond agency's business.
- 5) Broadens the misdemeanor crime of willfully and credibly impersonating a peace officer, member of the fire department, deputy fire marshal, public utility or district employee, state, county, or city employee, or search and rescue personnel on an internet website or by other electronic means for the purpose of defrauding another, to include willful and credible impersonations of such persons *by any other means*.
- 6) Contains a severability clause.

**EXISTING FEDERAL LAW**

- 1) Prohibits the federal government from "conscripting" the states to enforce federal regulatory programs. (U.S. Const., 10th Amend.)

- 2) Prohibits a federal, state, or local government entity or official from prohibiting, or in any way restricting, 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. (8 U.S.C. §§ 1373, 1644.)
- 3) Requires designated immigration officers, at the time of arrest, and as soon as it is practical and safe to do so, to identify themselves as an immigration officer who is authorized to execute an arrest and state that the person is under arrest and the reason for the arrest. (8 C.F.R. § 287.8 (c)(2)(iii).)

#### **EXISTING STATE LAW:**

- 1) Establishes the California Values Act, which prohibits LEAs from using agency or department money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, subject to specified exemptions. (Gov. Code, §§ 7282.5, 7284.6.)
- 2) Requires uniformed peace officers to wear a badge, nameplate, or other device which bears clearly on its face the identification number or name of the officer. (Pen. Code, § 830.10.)
- 3) Makes willfully wearing, exhibiting, or using the authorized uniform, insignia, emblem, device, label, certificate card, or writing, of a peace officer, a member of the fire department, deputy fire marshal or search and rescue personnel, with the intent of fraudulently impersonating them or of fraudulently inducing the belief that the defendant is one of them, or who willfully and credibly impersonates that person on an internet website or by other electronic means for the purpose of defrauding another, a misdemeanor punishable by imprisonment in county jail for up to six months, by a fine of \$1,000, or both. (Pen. Code, §§ 538d, subd. (a); 538e, subd. (a); 538h, subd. (a); Pen. Code, § 19.)
- 4) Makes willfully presenting oneself to a utility or district customer with the intent of fraudulently personating an employee of a public utility or district, or of fraudulently inducing the belief that they are such a person, or who willfully and credibly impersonates such a person on an internet website, or by other electronic means, for purposes of defrauding another, a misdemeanor punishable by imprisonment in county jail for up to six months, by a fine of \$1,000, or both. (Pen. Code, § 538g.)
- 5) Makes willfully wearing, exhibiting, or using the authorized badge, photographic identification card, or insignia of a state, county, or city employee, with the intent of fraudulently personating that person, or of fraudulently inducing the belief that they are such a person, or who willfully and credibly impersonates such a person on an internet website, or by other electronic means, for purposes of defrauding another, a misdemeanor punishable by imprisonment in county jail for up to six months, by a fine of \$1,000, or both. (Pen. Code, § 538f, subd. (a).)
- 6) Establishes the Bail Fugitive Recovery Act as follows:
  - a) Provides that no person, other than a certified law enforcement officer, shall be authorized to apprehend, detain, or arrest a bail fugitive unless that person: 1) is a bail

agent, bail permittee, or bail solicitor who is also a bail fugitive recovery agent; 2) a bail fugitive recovery agent; or 3) a licensed private investigator, as specified, who is also a bail fugitive recovery agent. (Pen. Code, § 1299.02, subd. (a).)

- b) Requires a bail fugitive recovery agent, bail agent, bail permittee, or bail solicitor who contracts their services to another bail agent or surety as a bail fugitive recovery agent to comply with specified licensing requirements. (Pen. Code, § 1299.04.)
- c) Requires a person authorized to apprehend a bail fugitive, in performing such apprehension, to comply with all laws applicable to that apprehension. (Pen. Code, § 1299.05.)
- d) Prohibits an individual authorized to apprehend a bail fugitive from:
  - i) Representing themselves in any manner as being a sworn law enforcement officer;
  - ii) Wearing any uniform that represents themselves as belonging to any part or department of a federal, state, or local government, and any uniform may not display the words United States, Bureau, Task Force, Federal, or other substantially similar words that a reasonable person may mistake for a government agency.
  - iii) Wearing or otherwise using a badge that represents themselves as belonging to any part or department of the federal, state, or local government.
  - iv) Using a fictitious name that represents themselves as belonging to any federal, state, or local government. (Pen. Code, § 1299.07, subds. (a)-(d).)
- e) Requires an individual authorized to apprehend a bail fugitive to notify the local police or sheriff's department of intent to apprehend a bail fugitive prior to, but no more than six hours before, attempting to apprehend the bail fugitive, except under exigent circumstances, in which case the person must notify local law enforcement immediately after the apprehension. (Pen. Code, § 1299.08, subds. (a) & (b).)
- f) Makes a violation of any of the above requirements of the Bail Fugitive Recovery Persons Act a misdemeanor, punishable by up to one year in county jail, a fine of \$5,000, or by both. (Pen. Code, § 1299.11.)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Author's Statement:** According to the author, "We are facing an extraordinary moment in California. Masked individuals with no name identification, no uniforms, driving unmarked vehicles, and carrying firearms are taking our neighbors – both immigrants and American citizens – in broad daylight. When asked by members of the public to provide badge numbers, they refuse. We assume they are federal agents from Homeland Security or ICE. However, unless these individuals provide proper identification, we simply do not know."

“When we receive reports of these individuals using excessive force without identification, there is no way to ensure oversight or accountability. Across the country, there have also been reports of criminals impersonating ICE officers, using threats and intimidation to target vulnerable communities. When immigration enforcement officers fail to identify themselves, they create opportunities for vigilantes to target our communities. This lack of transparency fosters confusion, fear, and mistrust in communities across the state.

“SB 805, the No Vigilantes Act, will expand the scope of existing impersonation laws, and require law enforcement operating in California to display identification featuring their name or badge number. It will also authorize law enforcement to request identification from anyone claiming to be an officer if there is reasonable suspicion of criminal activity, such as impersonating a peace officer, kidnapping, or when there is a legitimate safety concern. Additionally, it will prohibit bounty hunters from engaging in any form of immigration enforcement.

“This is a common-sense proposal to prevent impersonating law enforcement officers, while ensuring basic oversight and accountability during enforcement actions.”

- 2) **Background:** President Trump has vowed to carry out the largest deportation program in U.S. history during his second term. The White House has set a goal of 1 million annual deportations.<sup>1</sup> On January 20, 2025, the President issued an order titled “Protecting the American People Against Invasion.” The order states that “[i]t is the policy of the United States to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people. Further, it is the policy of the United States to achieve the total and efficient enforcement of those laws, including through lawful incentives and detention capabilities.”<sup>2</sup> Notable provisions of this order include: 1) directing the Department of Homeland Security (DHS) to set enforcement priorities, emphasizing criminal histories; 2) establishing Homeland Security Task Forces in each state; 3) requiring all noncitizens to register with DHS, with civil and criminal penalties for failure to register; 4) directing DHS to collect all civil fines and penalties from undocumented individuals, such as for unlawful entry or attempted unlawful entry; 5) expanding the use of expedited removal; 6) building more detention facilities; 7) encouraging federal/state cooperation, as specified; 8) encouraging voluntary departure, as specified; 9) limiting access to humanitarian parole and Temporary Protected Status; 10) directing the U.S. Attorney General (AG) and DHS to ensure that “sanctuary” jurisdictions do not receive access to federal funds; 11) reviewing federal grants to non-profits assisting undocumented persons and denying public benefits to undocumented persons; and 12) hiring more U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) officers.<sup>3</sup>

Immigration arrests have significantly increased since President Trump’s second term began.<sup>4</sup> Just last month, protests grew in Los Angeles (L.A.) in response to widespread

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<sup>1</sup> Politico, *Trump got \$170 billion for immigration. Now he has to enact it* (July 5, 2025), available at: <https://www.politico.com/news/2025/07/05/trump-got-170-billion-for-immigration-now-he-has-to-enact-it-00439785>

<sup>2</sup> The White House, *Protecting the American People Against Invasion* (Jan. 20, 2025), available at: <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>

<sup>3</sup> *Ibid.*

<sup>4</sup> Sun, *Immigration Arrests Are Up Sharply in Every State. Here Are the Numbers*, New York Times (June 27, 2025), available at: <https://www.nytimes.com/interactive/2025/06/27/us/ice-arrests-trump.html>

immigration enforcement activity throughout the area. From June 6 to June 22 federal immigration enforcement teams arrested 1,618 immigrants for deportation in L.A. and surrounding Southern California regions.<sup>5</sup> In response to the protests, President Trump deployed National Guard troops and Marines to L.A. over the objection of state officials.<sup>6</sup> Immigration raids have continued throughout L.A. in the weeks since the protests, prompting residents to stay home out of fear of being detained.<sup>7</sup> Most of the persons arrested by ICE from June 1 to June 10 had never been charged with a crime.<sup>8</sup>

The recent passage of federal legislation allocating \$170 billion for border and immigration enforcement foreshadows the possibility of even more extensive immigration raids in the coming years.<sup>9</sup>

The Trump Administration's immigration raids have been characterized by numerous incidents of non-citizens being arrested by masked, non-uniformed plain clothed immigration officers.<sup>10</sup> Proponents of such use of masks and face coverings claim that shielding the identity of such agents is necessary to protect the safety of those agents, and to prevent their identities from being documented and shared online (often referred to as "doxing").<sup>11</sup> Others contend this is an intimidation tactic contributing to mass fear and panic in immigrant communities.<sup>12</sup> In practice, this creates confusion for person's subjected to such masked arrests who have no way of knowing whether the person seeking to detain them is operating under a legitimate authority, or is in fact a person seeking to cause them harm.<sup>13</sup> A person subject to such an arrest by an unidentified federal agent may reasonably seek to defend themselves, which may increase the likelihood of violent encounters or potential legal consequences for resisting arrest. For example, on June 21, when several masked agents approached an undocumented man who was working in Orange County, the man panicked and ran, resulting in him being tackled and punched by the federal agents.<sup>14</sup>

Use of masks and other face coverings by federal immigration agents has led to numerous federal immigration enforcement actions being mistaken for kidnappings.<sup>15</sup> The Los Angeles Times summarizes a recent incident:

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<sup>5</sup> Castillo, *More than 1600 immigrants detained in Southern California this month, DHS says*, Los Angeles Times (June 25, 2025), available at: <https://www.latimes.com/politics/story/2025-06-25/more-than-1-600-immigrants-detained-in-southern-california-this-month-dhs-says>.

<sup>6</sup> Hutchinson, *LA protests timeline: How ICE raids sparked demonstrations and Trump to send in the military*, ABC News (June 11, 2025), available at: <https://abcnews.go.com/US/timeline-ice-raids-sparked-la-protests-prompted-trump/story?id=122688437>.

<sup>7</sup> Vives et. al., *L.A. neighborhoods clear out as immigration raids send people underground*, Los Angeles Times (June 15, 2025), available at: <https://www.latimes.com/california/story/2025-06-15/some-l-a-neighborhoods-clear-out-as-immigration-raids-push-people-underground>.

<sup>8</sup> Uranga, *Most nabbed in L.A. raids were men with no criminal conviction, picked up off the street*, Los Angeles Times (June 24, 2025), available at: <https://www.latimes.com/california/story/2025-06-24/detention-centers-swell-with-immigrants-with-no-criminal-record>

<sup>9</sup> Ward, *Trump got \$170 billion for immigration. Now he has to enact it*, Politico (July 5, 2025), available at: <https://www.nytimes.com/interactive/2025/06/27/us/ice-arrests-trump.html>

<sup>10</sup> Jarvie, *ICE agents wearing masks add new levels of intimidation, confusion during L.A. raids* (July 7, 2025), available at: <https://www.latimes.com/california/story/2025-07-07/masking-of-federal-agents-very-dangerous-and-perfectly-legal>

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> Team, FOX 11 Digital, Narciso Barranco: *DHS Says OC Gardener Detained by Ice Swung Weed Whacker at Agent*, FOX 11 Los Angeles, FOX 11 Los Angeles (June 23, 2025), available at: [www.foxla.com/news/narciso-barranco-oc-gardener-arrested-ice](http://www.foxla.com/news/narciso-barranco-oc-gardener-arrested-ice).

<sup>15</sup> Jany, *Kidnappers or ICE agents? LAPD grapples with surge in calls from concerned citizens*, Los Angeles Times (July 3, 2025), available at: <https://www.latimes.com/california/story/2025-07-03/los-angeles-police-immigration-kidnappings>

When a group of armed, masked men was spotted dragging a woman into an SUV in the Fashion District last week, a witness called 911 to report a kidnapping. But when Los Angeles Police Department officers arrived, instead of making arrests, they formed a line to protect the alleged abductors from an angry crowd of onlookers demanding the woman's release. The reported kidnappers, it turned out, were special agents from Immigration and Customs Enforcement.<sup>16</sup>

Most applicable to this bill, the prevalence of masked or otherwise unidentified immigration agents makes it easier for members of the public to impersonate ICE officers for the purposes of harassing, intimidating, or otherwise committing violence against members of the immigrant community. Earlier this year, the Los Angeles Unified School District (LAUSD) reported three incidents of individuals impersonating ICE agents.<sup>17</sup> Recently in Burbank, two masked men impersonating federal agents, stopped a woman and asked her for her papers.<sup>18</sup> Several weeks ago, Huntington Park police arrested a man suspected of posing as a federal immigration officer.<sup>19</sup> In February of this year at least three states reported arresting individuals for allegedly impersonating ICE agents.<sup>20</sup> In one example, a South Carolina man was charged with kidnapping and impersonating a police officer after allegedly detaining a group of Latino men.<sup>21</sup> In another, a man allegedly impersonating an ICE officer sexually assaulted a woman and threatened to deport her if she did not have sex with him.<sup>22</sup>

It is against this backdrop that this bill seeks to strengthen California's laws pertaining to law enforcement identification and impersonation of peace officers.

### 3) **Effect of this Bill:** SB 805 contains four distinct provisions.

#### *a) Impersonation of Specified Government Personnel*

Under current law it is a crime to impersonate specified persons, including peace officers. Specifically, existing law makes willfully wearing, exhibiting, or using the authorized uniform, insignia, emblem, device, label, certificate card, or writing, of a peace officer, a member of the fire department, deputy fire marshal or search and rescue personnel, with the intent of fraudulently impersonating them or of fraudulently inducing the belief that the defendant is one of them, or who willfully and credibly impersonates that person on an internet website or by other electronic means for the purpose of defrauding another, a misdemeanor punishable by imprisonment in county jail for up to six months, by a fine of \$1,000, or both. (Pen. Code, §§ 538d, subd. (a); 538e, subd. (a); 538h, subd. (a); Pen. Code, § 19.) Similarly, it is a misdemeanor to impersonate an employee of a public utility or district

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<sup>16</sup> *Ibid.*

<sup>17</sup> Medina et al., *Ice Impersonators Target Lausd Community, Sparking Fear and Protests*, NBC Los Angeles, NBC Southern California (Feb. 7, 2025), available at: [www.nbclosangeles.com/news/local/ice-impersonators-target-lausd-community/3626973/](http://www.nbclosangeles.com/news/local/ice-impersonators-target-lausd-community/3626973/).

<sup>18</sup> Jarvie, *supra*.

<sup>19</sup> Olivares, *US sees spate of arrests of civilians impersonating ICE officers*, The Guardian (June 28, 2025), available at: <https://www.theguardian.com/us-news/2025/jun/28/civilians-impersonating-ice-officers>

<sup>20</sup> Moshtaghian et al., *Multiple ICE impersonation arrests made during nationwide immigration crackdown*, CNN (Feb. 5, 2025), available at: <https://www.cnn.com/2025/02/04/us/ice-impersonators-on-the-rise-arrests-made-as-authorities-issue-national-warning>

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

or a state, county, or city employee. (Pen. Code, §§ 538f, subd. (a); 538g.)

This bill broadens the misdemeanor offense of willfully and credibly impersonating a peace officer, member of the fire department, deputy fire marshal, public utility or district employee, state, county, or city employee, or search and rescue personnel *on an internet website or by other electronic means for the purpose of defrauding another*. Specifically, it specifies that his misdemeanor also encompasses willful and credible impersonations of such persons *by any other means*, for the purposes of defrauding another, rather than only those impersonations that take place on an internet website or by other electronic means.

*b) The Bail Fugitive Recovery Act*

Amid the recent immigration raids there have been rumors that federal authorities are enlisting “bounty hunters” or private security contractors to conduct immigration arrests.<sup>23</sup> In January of this year an alleged bounty hunter in Washington State claimed that ICE will deputize bounty hunters and pay them a fix amount for each undocumented person they detain.<sup>24</sup> At this time, these claims are unverified. DHS has denied that ICE utilizes bounty hunters to make immigration arrests.<sup>25</sup> However, Washington State subsequently enacted SB 5714, which imposes specified penalties on bail bond recovery agents who use their position to enforce a civil immigration warrant or share a defendant’s immigration status to anyone outside that bail bond agency’s business.<sup>26</sup>

In California, a bail fugitive recovery agent (as well as a bail agent, bail permittee, bail solicitor, or licensed private investigator, who is also a bail fugitive recovery agent) is authorized to apprehend, detain, or arrest a bail fugitive. (Pen. Code, § 1299.02, subd. (a).) A “bail fugitive” means a defendant in a pending criminal case who has been released from custody under a financially secured appearance, cash, or other bond and has had that bond declared forfeited, or a defendant in a pending criminal case who has violated a bond condition whereby apprehension and re-incarceration are permitted. (Pen. Code, § 1299.01, subd. (a)(1).) A “bail fugitive recovery agent” is a licensed person that has been authorized by the bail agent, bail permittee, bail solicitor, or depositor of bail, who is contracted to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate court, jail, or police department, as well as any person who is employed to assist a bail agent, bail permittee, bail solicitor, or depositor of bail to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate court, jail, or police department. (Pen. Code, § 1299.01, subd. (a)(4); Ins. Code, § 1802.3, subd. (a).) A person authorized to apprehend a bail fugitive may not represent themselves as a sworn law enforcement officer, wear any uniform or badge, or use a fictitious name that represents themselves as belonging to a government agency. (Pen. Code, § 1299.07, subds. (a)-(d).)

The California Values Act’s prohibition against law enforcement cooperation with federal immigration authorities applies to state or local law LEAs, including school police or security departments, although excluding the Department of Corrections and Rehabilitation. (Gov.

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<sup>23</sup> Jany, *supra*.

<sup>24</sup> Christensen, *What we know about rumors ICE is ‘deputizing’ bounty hunters to arrest undocumented immigrants*, Yahoo News (July 7, 2025), available at: <https://www.yahoo.com/news/know-rumors-ice-deputizing-bounty-110000537.html>

<sup>25</sup> *Ibid*.

<sup>26</sup> Washington State Legislature, *SB 5714 – 2025-26* (accessed July 9, 2024), available at: <https://app.leg.wa.gov/BillSummary/?BillNumber=5714&Year=2025&Initiative=false>

Code, § 7284.4, subd. (a).) Because bail fugitive recovery agents typically contract with private bail companies, they are not subject to requirements and prohibitions of the California Values Act.

Unlike the Washington State bill, which was limited to civil immigration enforcement matters, this bill would prohibit authorized bail agents from assisting in *both* civil and criminal immigration enforcement. The bill prohibits an individual authorized to apprehend a bail fugitive from using that position for the purposes of immigration enforcement more generally. It defines “immigration enforcement” to mean 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 U.S. (See Gov. Code, § 7284.4, subd. (f).) It also requires such authorized persons to keep a defendant’s immigration status confidential within their employing bail bond agency’s business.

Existing law likely already prohibits a bail fugitive recovery agent from utilizing their position for civil immigration enforcement purposes. A bail fugitive recovery agent is authorized to investigate, surveil, locate, and arrest a defendant in a pending *criminal* case whose bond has been forfeited or who otherwise has violated a bond condition, for surrender to the appropriate court, jail, or police department. (Pen. Code, § 1299.01, subd. (a)(1); Ins. Code, § 1802.3, subd. (a).) Because this authority is limited to detaining and arresting criminal defendants, California law already appears to prohibit such persons from participating in the investigation or enforcement of federal civil immigration law.

Similarly, existing law likely already prohibits a bail fugitive recovery agent from using their position for the specific purpose of immigration enforcement. A bail fugitive recovery agent’s license only permits the licensee to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate court, jail, or police department. Enforcing federal immigration law is beyond the scope of their authority. (Pen. Code, § 1299.01, subd. (a)(4); Ins. Code, § 1802.3, subd. (a).)

That said, in cases where a criminal defendant is undocumented and not immediately taken into custody by ICE, posts bail, and subsequently has their bond forfeited or otherwise violates a bond condition making them subject to arrest, that bail fugitive recovery agent may detain and return that person to law enforcement, irrespective of their citizenship status. Here, a bail fugitive recovery agent that detains an undocumented criminal defendant out on bail, and returns that person to law enforcement custody, could be considered to be assisting in the enforcement of federal immigration law. To the extent that is the case, this bill would prohibit such a bail fugitive recovery agent from accepting contracts to detain undocumented criminal defendants.

*c) Requiring Law Enforcement Personnel to Visibly Display Identification*

California law is relatively succinct as it pertains to law enforcement identification requirements. Penal Code section 830.1 states that “[a]ny uniformed peace officer shall wear a badge, nameplate, or other device which bears clearly on its face the identification number or name of the officer.” (Pen. Code, § 830.10.) This requirement applies to “peace officers,” a broad designation that encompasses police officers, county sheriffs, harbor police, specified



CHP officers, members of the UC or CSU police departments, specified members of CDCR, specified superior court marshals, specified port officers, and specified District Attorney investigators, among other state agency personnel. (Pen. Code, § 830 et. seq.) Federal law enforcement officers and criminal investigators are not California peace officers, although they may exercise the arrest powers of a peace officer in specified circumstances. (Pen. Code, § 830.8.)

Some California LEAs are statutorily required to issue badges to their officers, although the statutes are silent as to, if, and when, such badges must be worn. (See Gov. Code, § 26690 [requiring Board of Supervisors to furnish sheriffs and deputy sheriffs with badges inscribed with “Sheriff” or “Deputy Sheriff”]; Veh. Code, § 2257 [requiring the Commissioner of the California Highway Patrol to issue badges with the California state seal, the words “California Highway Patrol,” and the particular officers designation].) Similarly, CDCR peace officer personnel must wear uniforms and insignia, unless specifically exempted, and such uniformed personnel must wear the official department badge as a standard item of uniform attire, and clearly displayed nameplate as a standard item of uniform attire. (Cal. Code Regs., tit. 15, § 3393.)

In the context of the California Public Records Act (CPRA), California courts have emphasized the strong public interest in peace officer’s identities. While not directly applicable to this bill, these discussions provide helpful context. As stated by the California Supreme Court:

We find no well-established social norm that recognizes a need to protect the identity of all peace officers. Peace officers operate in the public realm on a daily basis, and identify themselves to the members of the public with whom they deal. Indeed, uniformed peace officers are required to wear a badge or nameplate with the officer’s name or identification number. (*Commission on Peace Officer Standards & Training v. Superior Court* (2007) 42 Cal.4th 278, 301.)

This interest, however, must give way when an officer’s particular duties, such as an undercover officer, demand anonymity to perform their duties effectively or protect their own safety. (*Ibid.*)

Setting aside this bill’s application to federal law enforcement personnel (discussed in the next subheading), this bill would expand California’s existing law enforcement identification requirement. Currently, the requirement that an officer wear a device that clearly shows that officer’s identification number or name applies to a “uniformed peace officer.” (Pen. Code, § 830.10.) This does not apply to plainclothes peace officers, or law enforcement personnel that are not peace officers. This bill requires personnel of a LEA operating in California to visibly display identification that includes either a name or badge number to the public when performing their duties. A violation of this requirement is a misdemeanor, punishable by imprisonment in county jail for up to six months, a fine of \$1,000, or both. This bill broadly defines “personnel of a law enforcement agency” to mean any officer of a local, state, or federal LEA or any person acting on behalf of a local, state, or LEA, except for personnel while operating undercover.

The author may wish to clarify certain provisions of this proposed identification requirement. As noted above, this bill appears to apply to law enforcement personnel more generally,

rather than only peace officers, and therefore is broader than the current law enforcement identification statute. The author may wish to expand upon the persons subject to this mandate. Does “officer” mean “peace officer” or would that encompass any employee of that agency regardless of whether their duties demand interacting with members of the public? Further, the author may wish to clarify what it means for a person to “act[] on behalf of a local, state, or federal law enforcement agency” as the intended application and scope of that phrase is unclear.

Additionally, this bill’s proposed identification requirement applies irrespective of whether the officer is wearing a uniform. Instead, it requires law enforcement officers “visibly display identification...to the public when performing their duties.” The author may wish to clarify the meaning of “to the public.” Would this identification requirement only apply when an officer is physically interacting with a member of the public or any time they are in a public setting more generally?

Finally, to avoid creating two separate overlapping statutes with different law enforcement identification requirements, the author may wish to amend Penal Code section 830.10 directly, or otherwise clarify how this bill interacts with that section.

*d) Authorizing Law Enforcement Employees to Request Identification*

Lastly, this bill seeks to address the recent incidents of law enforcement impersonations by authorizing an employee of an LEA, which includes any employee of any local, state, or federal law enforcement agency or any person acting on behalf of a local, state, or federal law enforcement agency, to request an alleged law enforcement employee to present identification when there is probable cause or reasonable suspicion of a crime, including, but not limited to, impersonating a peace officer, or when there is a legitimate safety concern.

Notably, this proposed authorization applies to all law enforcement employees irrespective of whether such employees are peace officers. Non-peace officer law enforcement employees do not have legal authority to enforce California’s criminal laws, such as criminal impersonation of a peace officer. In fact, authorizing non-peace officers to request an alleged law enforcement employee to provide identification where there is probable cause or reasonable suspicion of a crime, or where there is a legitimate safety concern, may improperly encourage such persons to engage in criminal investigation activity beyond the scope of their authority and capabilities. In practice, the effect of this provision may be minimal. This bill only authorizes a law enforcement employee to request an alleged law enforcement employee to present identification in certain circumstances. It does not mandate or obligate the person receiving the request to provide such identification.

As applied to peace officers, the need for this bill is unclear. Peace officers already have authority to arrest a person if they have probable cause to believe they are impersonating a peace officer. Peace officers may arrest a person without a warrant in any of the following circumstances: 1) the officer has probable cause to believe that the person to be arrested has committed a public offense in the officer’s presence; 2) the person arrested has committed a felony, although not in the officer’s presence; and 3) the officer has probable cause to believe that the person to be arrested has committed a felony, whether or not a felony, in fact, has been committed. Impersonation of a peace officer, firefighter, search and rescue personnel, a public utility employee, or a state, county, or local employee is a misdemeanor. (Pen. Code,

§§ 19; 538d, subd. (a); 538e, subd. (a); 538f, subd. (a); 538h, subd. (a); 538g.) This means that a peace officer may already arrest a person if they have probable cause to believe a person is falsely impersonating an officer in their presence.

Moreover, even if a peace officer does not have probable cause to believe the other person is impersonating an alleged law enforcement officer there is nothing prohibiting that officer from asking that person to present identification, subject to their consensual response. (*People v. Leath* (2013) 217 Cal.App.4th 344.) Whether a person is required to respond and provide such identification, however, will depend upon whether they are being detained or arrested, which is governed by Fourth Amendment jurisprudence. As referenced above, an officer is generally permitted to ask a person for their identification during a consensual encounter, in which that person voluntarily gives the officer their identification. (*Ibid.*) However, under the Fourth Amendment, an officer is prohibited from demanding that a defendant identify themselves if that officer does not have reasonable suspicion to believe there is criminal activity. (*Hiibel v. Sixth Judicial District Court of Nevada, Humboldt County* (2004) 542 U.S. 177.) In an investigative detention based on reasonable suspicion an officer may ask a person to identify themselves, whereby a person may be subject to criminal penalties for failure to respond. (*Ibid*; *People v. Lopez* (2004) 119 Cal. App. 4th 132.) Generally, asking the detainee's identity does not violate either the Fourth Amendment or the Fifth Amendment, but it is an open question whether the Fifth Amendment prohibits a "stop and identify" scenario whereby that person identifying oneself to the police would contribute towards the evidence needed for conviction. (*Ibid.*)

As such, authorizing a peace officer to request identification of a person where there is reasonable suspicion that they are engaging in the crime of impersonating a peace officer is largely declarative of existing law. However, to the extent that this bill suggests that a person suspected of impersonating a peace officer is required to respond to such a request for identification, absent reasonable suspicion of criminal activity or based on "a legitimate safety concern" that does not amount to reasonable suspicion of criminal activity, this bill may be vulnerable to a Fourth Amendment challenge.

Given the above, this provision of the bill raises several questions. Is this intended to apply to all law enforcement employees or only peace officers? What is a legitimate safety concern? This term is not defined and risks creating confusion surrounding when a person is obligated to respond to an officer's request for identification, which is a matter of constitutional Fourth Amendment jurisprudence. Further, similar to the provision requiring law enforcement personnel to wear identification more generally, the author may wish to clarify what it means for a person to "act[] on behalf of a local, state, or federal law enforcement agency."

- 7) **Intergovernmental Immunity and Federal Preemption:** Two of SB 805's provisions explicitly apply to federal law enforcement agencies, in addition to local and state ones. The authorization for law enforcement employees to request an alleged law enforcement employee for identification applies to "any employee of any local, state, or federal law enforcement agency or any person acting on behalf of a local, state, or federal law enforcement agency." Similarly, the requirement that law enforcement personnel display specified identification, subject to misdemeanor penalties, also applies to "any officer of a local, state, or federal law enforcement agency or any person acting on behalf of a local, state, or federal law enforcement agency," other than those operating undercover. These

provisions, and particularly the latter, can reasonably be expected to make this bill subject this bill to a legal challenge.

State laws that conflict with federal laws or attempt to regulate the federal government may be invalidated for several reasons. The Supremacy Clause of the United States Constitution provides that federal law “shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” (U.S. Const., art. VI, cl. 2.) The doctrine of intergovernmental immunity is derived from the Supremacy Clause of the Constitution. Intergovernmental immunity demands that “the activities of the Federal Government are free from regulation by any state.” (*United States v. California* (9th Cir. 2019) 921 F.3d 865, 879, citations omitted.) This makes a state regulation invalid if it “regulates the United States directly or discriminates against the Federal Government or those with whom it deals.” (*N.D. v. United States* (1990) 495 U.S. 423, 435.) A related doctrine is conflict preemption, whereby state laws that conflict with federal law are preempted. (*U.S. v. California, supra*, F.3d at pp. 878-879.) “This includes cases where compliance with both federal and state regulations is a physical impossibility, and those instances where the challenged state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.” (*Arizona v. United States* (2012) 567 U.S. 387, 399.)

In *United States v. California* (9th Cir. 2019) 921 F.3d 865, the Ninth Circuit Court of Appeals upheld the provisions of the California Values Act relating to law enforcement cooperation with ICE. The court had “no doubt that SB 54 makes the jobs of federal immigration authorities more difficult.” (*Id.* at p. 886.) But the court concluded that “this frustration does not constitute obstacle preemption,” because federal law “does not require any particular action on the part of California or its political subdivisions.” (*Id.* at p. 889.) “Even if SB 54 obstructs federal immigration enforcement,” the court stated, “the United States’ position that such obstruction is unlawful runs directly afoul of the Tenth Amendment and the anticommandeering rule.” (*Id.* at p. 888.) “California has the right, pursuant to the anticommandeering rule, to refrain from assisting with federal efforts.” (*Id.* at p. 891.) The court concluded that SB 54 does not violate the United States’ intergovernmental immunity for similar reasons. (*Ibid.*)

The likelihood of this bill surviving legal scrutiny under the intergovernmental immunity doctrine and federal preemption is more dubious. Unlike the Values Act, which limited state and local cooperation with federal immigration authorities in certain circumstances, this bill imposes an affirmative and direct obligation on federal law enforcement personnel operating in California to visibly display identification when performing their duties. Explicitly imposing this obligation on federal law enforcement personnel, and making a violation of that obligation a misdemeanor, can reasonably be expected to be considered a direct regulation of the federal government in violation of the Supremacy Clause.

This bill also creates a new identification requirement for federal immigration officers that is not currently required under federal law. Under federal regulations a designated immigration officer involved in immigration enforcement must identify themselves as an immigration officer authorized to execute an arrest “at the time of the arrest,” and as soon as it is practical arrest to do so.” (8 C.F.R. § 287.8 (c)(2)(iii).) This does not require an immigration officer to wear visible identification generally. Here, requiring all federal law enforcement personnel to wear visible identification while operating in California, whereby violations

may be punished as a misdemeanor, may be considered to conflict with the narrower federal regulatory requirement that immigration officers simply identify themselves at the time of arrest. Moreover, given that this bill's identification requirement applies to all federal law enforcement personnel, not only federal immigration officers, this requirement may also conflict with other federal statutes that establish identification requirements for non-immigration federal law enforcement personnel. Whether requiring federal officers to display identification constitutes an obstacle to federal immigration enforcement, for purposes of obstacle preemption, is less clear.

However, this bill does contain a severability clause. This may preserve the application of the rest of this bill's provisions in the event that the provisions of this bill applying to federal law enforcement officers are found unconstitutional.

- 4) **Argument in Support:** According to the *Coalition for Humane Immigrant Rights (CHIRLA)*, "Since June of 2025, we have seen an increase in calls about families having a missing family member who they think was taken by Immigration Enforcement but are not able to confirm where the person was taken. Since DHS, is not letting us speak with our clients, we often are being left in the dark about the whereabouts of our missing immigrants.

"Recent immigration enforcement activities by the United States Immigration and Customs Enforcement (ICE) agency have caused widespread fear and confusion in our communities, particularly when officers appear in sensitive locations such as schools and churches, often masked and lacking clear identification. The lack of transparency in these encounters has resulted in growing concerns among community members and local officials who do not know with certainty who is responsible for incidents resembling kidnappings and the use of excessive force, which makes accountability impossible.

"Multiple news reports have exposed individuals impersonating ICE officers to harass or detain others, eroding public trust and endangering vulnerable communities. In Los Angeles, an individual posing as an ICE agent tried to stop a school bus, but the driver followed protocol and drove off. Other impersonation cases include the kidnapping and unlawful detention of a group of Latino men, individuals posing as ICE agents on a college campus, and a sexual assault involving threats of deportation by someone impersonating an ICE officer. These incidents are made worse by reports that bounty hunters are being recruited to target undocumented immigrants, raising serious safety concerns.

"SB 805 takes important steps to address these concerns by requiring law enforcement personnel to display proper identification and authorizing them to request identification from anyone claiming to be a law enforcement officer if there is reasonable suspicion of criminal activity or a safety concern. It also prohibits bail agents from engaging in immigration enforcement and expands laws against impersonation of police and other public officials."

- 5) **Argument in Opposition:** According to the *California Police Chiefs Association (CPCA)*, "CPCA and our members understand the importance of operating in a manner the instills public trust in our officers' actions and authority. We generally support the intent behind this bill, but believe the current exemptions fail to encapsulate the types of exigent circumstances that need to be considered. Examples of situations we believe need to be considered include an account for certain personnel protective equipment that officers wear on top of their standard uniform, or situations where an officer has their badge or identification

unknowingly or unwillingly removed or ripped from their uniform during a conflict. Additionally, we feel that the provisions of this bill related to officer identification are better suited for policy requirements, and not criminal penalties.”

**6) Related Legislation:**

- a) SB 627 (Wiener) would prohibit an officer of a local, state, or federal law enforcement agency from wearing any mask or personal disguise while interacting with the public in the performance of their duties, subject to specified exemptions. SB 627 is being heard in this committee today.
- b) SB 571 (Archuleta) would increase the punishment for false personation of a first responder under specified circumstances. SB 571 is being heard in this committee today.
- c) AB 468 (Gabriel) would increase the penalties for looting in an evacuation zone and impersonating emergency personnel in an evacuation zone. AB 468 is pending a hearing in Senate Public Safety Committee.
- d) SB 264 (Valladares) would make impersonating a peace officer or an officer or member of a fire department during a state of emergency or local emergency punishable as a wobbler. SB 264 was never heard in Senate Public Safety Committee.
- e) AB 271 (Hoover) would create a new sentence enhancement for impersonating specified emergency personnel. AB 271 was never heard in this committee.

**7) Prior Legislation:**

- a) AB 1899 (Mathis), Chapter 954, Statutes of 2022, prohibits the false impersonation of peace officers, firefighters, and other public officers and employees through, or on, an Internet website, or by other electronic means.
- b) AB 2043 (Jones-Sawyer), Chapter 768, Statutes of 2022, prohibits a person from performing the activities of a bail fugitive recovery agent without a license, and requires an applicant for a bail fugitive recovery agent's license to file a surety bond, a policy of liability insurance, and a notice of appointment with the Insurance Commissioner.
- c) AB 2029 (Ammiano), Chapter 747, Statutes of 2012, provided regulation of bail fugitive recovery persons, including requiring that they be at least 18 years of age, complete 20 hours of classroom education, complete a 40-hour power of arrest course certified by POST.
- d) AB 243 (Wildman), Chapter 426, Statutes 1999, established the Bail Fugitive Recovery Persons Act providing for the regulation of bail fugitive recovery persons, including requiring that they be at least 18 years of age and complete two power of arrest courses.

**REGISTERED SUPPORT / OPPOSITION:**

**SUMMARY:** Requires federal, state, and local law enforcement personnel operating in California to visibly display identification to the public when performing their duties, and makes a violation of this requirement a misdemeanor, among other changes. Specifically, **this bill**:

- 8) Requires personnel of a law enforcement agency (LEA) operating in California, which means any officer of a local, state, or federal LEA or any person acting on behalf of a local, state, or federal LEA, except for personnel while operating undercover, to visibly display identification that includes either a name or badge number to the public when performing their duties, and makes a violation of this requirement a misdemeanor, punishable by imprisonment in county jail for up to six months, a fine of \$1,000, or both.
- 9) Authorizes an employee of an LEA, which includes any employee of any local, state, or federal LEA or any person acting on behalf of a local, state, or federal LEA, to request an alleged law enforcement employee to present identification when there is probable cause or reasonable suspicion of a crime, including, but not limited to, impersonating a peace officer, or when there is a legitimate safety concern.
- 10) Prohibits an individual authorized to apprehend a bail fugitive, an authority given to bail fugitive recovery agents, as defined, or a bail agent, bail permittee, bail solicitor, or licensed private investigator who also a bail fugitive recovery agent, from using that position for the purposes of immigration enforcement, as defined.
- 11) Requires such persons authorized to apprehend a bail fugitive to keep a defendant's immigration status confidential within their employing bail bond agency's business.
- 12) Broadens the misdemeanor crime of willfully and credibly impersonating a peace officer, member of the fire department, deputy fire marshal, public utility or district employee, state, county, or city employee, or search and rescue personnel on an internet website or by other electronic means for the purpose of defrauding another, to include willful and credible impersonations of such persons *by any other means*.
- 13) Contains a severability clause.

#### **EXISTING FEDERAL LAW**

- 4) Prohibits the federal government from "conscripting" the states to enforce federal regulatory programs. (U.S. Const., 10th Amend.)
- 5) Prohibits a federal, state, or local government entity or official from prohibiting, or in any way restricting, 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. (8 U.S.C. §§ 1373, 1644.)
- 6) Requires designated immigration officers, at the time of arrest, and as soon as it is practical and safe to do so, to identify themselves as an immigration officer who is authorized to execute an arrest and state that the person is under arrest and the reason for the arrest. (8 C.F.R. § 287.8 (c)(2)(iii).)

#### **EXISTING STATE LAW:**

- 7) Establishes the California Values Act, which prohibits LEAs from using agency or department money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, subject to specified exemptions. (Gov. Code, §§ 7282.5, 7284.6.)
- 8) Requires uniformed peace officers to wear a badge, nameplate, or other device which bears clearly on its face the identification number or name of the officer. (Pen. Code, § 830.10.)
- 9) Makes willfully wearing, exhibiting, or using the authorized uniform, insignia, emblem, device, label, certificate card, or writing, of a peace officer, a member of the fire department, deputy fire marshal or search and rescue personnel, with the intent of fraudulently impersonating them or of fraudulently inducing the belief that the defendant is one of them, or who willfully and credibly impersonates that person on an internet website or by other electronic means for the purpose of defrauding another, a misdemeanor punishable by imprisonment in county jail for up to six months, by a fine of \$1,000, or both. (Pen. Code, §§ 538d, subd. (a); 538e, subd. (a); 538h, subd. (a); Pen. Code, § 19.)
- 10) Makes willfully presenting oneself to a utility or district customer with the intent of fraudulently personating an employee of a public utility or district, or of fraudulently inducing the belief that they are such a person, or who willfully and credibly impersonates such a person on an internet website, or by other electronic means, for purposes of defrauding another, a misdemeanor punishable by imprisonment in county jail for up to six months, by a fine of \$1,000, or both. (Pen. Code, § 538g.)
- 11) Makes willfully wearing, exhibiting, or using the authorized badge, photographic identification card, or insignia of a state, county, or city employee, with the intent of fraudulently personating that person, or of fraudulently inducing the belief that they are such a person, or who willfully and credibly impersonates such a person on an internet website, or by other electronic means, for purposes of defrauding another, a misdemeanor punishable by imprisonment in county jail for up to six months, by a fine of \$1,000, or both. (Pen. Code, § 538f, subd. (a).)
- 12) Establishes the Bail Fugitive Recovery Act as follows:
  - a) Provides that no person, other than a certified law enforcement officer, shall be authorized to apprehend, detain, or arrest a bail fugitive unless that person: 1) is a bail agent, bail permittee, or bail solicitor who is also a bail fugitive recovery agent; 2) a bail fugitive recovery agent; or 3) a licensed private investigator, as specified, who is also a bail fugitive recovery agent. (Pen. Code, § 1299.02, subd. (a).)
  - b) Requires a bail fugitive recovery agent, bail agent, bail permittee, or bail solicitor who contracts their services to another bail agent or surety as a bail fugitive recovery agent to comply with specified licensing requirements. (Pen. Code, § 1299.04.)
  - c) Requires a person authorized to apprehend a bail fugitive, in performing such apprehension, to comply with all laws applicable to that apprehension. (Pen. Code, § 1299.05.)



- d) Prohibits an individual authorized to apprehend a bail fugitive from:
- i) Representing themselves in any manner as being a sworn law enforcement officer;
  - ii) Wearing any uniform that represents themselves as belonging to any part or department of a federal, state, or local government, and any uniform may not display the words United States, Bureau, Task Force, Federal, or other substantially similar words that a reasonable person may mistake for a government agency.
  - iii) Wearing or otherwise using a badge that represents themselves as belonging to any part or department of the federal, state, or local government.
  - iv) Using a fictitious name that represents themselves as belonging to any federal, state, or local government. (Pen. Code, § 1299.07, subds. (a)-(d).)
- e) Requires an individual authorized to apprehend a bail fugitive to notify the local police or sheriff's department of intent to apprehend a bail fugitive prior to, but no more than six hours before, attempting to apprehend the bail fugitive, except under exigent circumstances, in which case the person must notify local law enforcement immediately after the apprehension. (Pen. Code, § 1299.08, subds. (a) & (b).)
- f) Makes a violation of any of the above requirements of the Bail Fugitive Recovery Persons Act a misdemeanor, punishable by up to one year in county jail, a fine of \$5,000, or by both. (Pen. Code, § 1299.11.)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 8) **Author's Statement:** According to the author, "We are facing an extraordinary moment in California. Masked individuals with no name identification, no uniforms, driving unmarked vehicles, and carrying firearms are taking our neighbors – both immigrants and American citizens – in broad daylight. When asked by members of the public to provide badge numbers, they refuse. We assume they are federal agents from Homeland Security or ICE. However, unless these individuals provide proper identification, we simply do not know.

"When we receive reports of these individuals using excessive force without identification, there is no way to ensure oversight or accountability. Across the country, there have also been reports of criminals impersonating ICE officers, using threats and intimidation to target vulnerable communities. When immigration enforcement officers fail to identify themselves, they create opportunities for vigilantes to target our communities. This lack of transparency fosters confusion, fear, and mistrust in communities across the state.

"SB 805, the No Vigilantes Act, will expand the scope of existing impersonation laws, and require law enforcement operating in California to display identification featuring their name or badge number. It will also authorize law enforcement to request identification from anyone claiming to be an officer if there is reasonable suspicion of criminal activity, such as impersonating a peace officer, kidnapping, or when there is a legitimate safety concern.

Additionally, it will prohibit bounty hunters from engaging in any form of immigration enforcement.

“This is a common-sense proposal to prevent impersonating law enforcement officers, while ensuring basic oversight and accountability during enforcement actions.”

- 9) **Background:** President Trump has vowed to carry out the largest deportation program in U.S. history during his second term. The White House has set a goal of 1 million annual deportations.<sup>27</sup> On January 20, 2025, the President issued an order titled “Protecting the American People Against Invasion.” The order states that “[i]t is the policy of the United States to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people. Further, it is the policy of the United States to achieve the total and efficient enforcement of those laws, including through lawful incentives and detention capabilities.”<sup>28</sup> Notable provisions of this order include: 1) directing the Department of Homeland Security (DHS) to set enforcement priorities, emphasizing criminal histories; 2) establishing Homeland Security Task Forces in each state; 3) requiring all noncitizens to register with DHS, with civil and criminal penalties for failure to register; 4) directing DHS to collect all civil fines and penalties from undocumented individuals, such as for unlawful entry or attempted unlawful entry; 5) expanding the use of expedited removal; 6) building more detention facilities; 7) encouraging federal/state cooperation, as specified; 8) encouraging voluntary departure, as specified; 9) limiting access to humanitarian parole and Temporary Protected Status; 10) directing the U.S. Attorney General (AG) and DHS to ensure that “sanctuary” jurisdictions do not receive access to federal funds; 11) reviewing federal grants to non-profits assisting undocumented persons and denying public benefits to undocumented persons; and 12) hiring more U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) officers.<sup>29</sup>

Immigration arrests have significantly increased since President Trump’s second term began.<sup>30</sup> Just last month, protests grew in Los Angeles (L.A.) in response to widespread immigration enforcement activity throughout the area. From June 6 to June 22 federal immigration enforcement teams arrested 1,618 immigrants for deportation in L.A. and surrounding Southern California regions.<sup>31</sup> In response to the protests, President Trump deployed National Guard troops and Marines to L.A. over the objection of state officials.<sup>32</sup> Immigration raids have continued throughout L.A. in the weeks since the protests, prompting

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<sup>27</sup> Politico, *Trump got \$170 billion for immigration. Now he has to enact it* (July 5, 2025), available at: <https://www.politico.com/news/2025/07/05/trump-got-170-billion-for-immigration-now-he-has-to-enact-it-00439785>

<sup>28</sup> The White House, *Protecting the American People Against Invasion* (Jan. 20, 2025), available at: <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>

<sup>29</sup> *Ibid.*

<sup>30</sup> Sun, *Immigration Arrests Are Up Sharply in Every State. Here Are the Numbers*, New York Times (June 27, 2025), available at: <https://www.nytimes.com/interactive/2025/06/27/us/ice-arrests-trump.html>

<sup>31</sup> Castillo, *More than 1600 immigrants detained in Southern California this month, DHS says*, Los Angeles Times (June 25, 2025), available at: <https://www.latimes.com/politics/story/2025-06-25/more-than-1-600-immigrants-detained-in-southern-california-this-month-dhs-says>.

<sup>32</sup> Hutchinson, *LA protests timeline: How ICE raids sparked demonstrations and Trump to send in the military*, ABC News (June 11, 2025), available at: <https://abcnews.go.com/US/timeline-ice-raids-sparked-la-protests-prompted-trump/story?id=122688437>.

residents to stay home out of fear of being detained.<sup>33</sup> Most of the persons arrested by ICE from June 1 to June 10 had never been charged with a crime.<sup>34</sup>

The recent passage of federal legislation allocating \$170 billion for border and immigration enforcement foreshadows the possibility of even more extensive immigration raids in the coming years.<sup>35</sup>

The Trump Administration's immigration raids have been characterized by numerous incidents of non-citizens being arrested by masked, non-uniformed plain clothed immigration officers.<sup>36</sup> Proponents of such use of masks and face coverings claim that shielding the identity of such agents is necessary to protect the safety of those agents, and to prevent their identities from being documented and shared online (often referred to as "doxing").<sup>37</sup> Others contend this is an intimidation tactic contributing to mass fear and panic in immigrant communities.<sup>38</sup> In practice, this creates confusion for person's subjected to such masked arrests who have no way of knowing whether the person seeking to detain them is operating under a legitimate authority, or is in fact a person seeking to cause them harm.<sup>39</sup> A person subject to such an arrest by an unidentified federal agent may reasonably seek to defend themselves, which may increase the likelihood of violent encounters or potential legal consequences for resisting arrest. For example, on June 21, when several masked agents approached an undocumented man who was working in Orange County, the man panicked and ran, resulting in him being tackled and punched by the federal agents.<sup>40</sup>

Use of masks and other face coverings by federal immigration agents has led to numerous federal immigration enforcement actions being mistaken for kidnappings.<sup>41</sup> The Los Angeles Times summarizes a recent incident:

When a group of armed, masked men was spotted dragging a woman into an SUV in the Fashion District last week, a witness called 911 to report a kidnapping. But when Los Angeles Police Department officers arrived, instead of making arrests, they formed a line to protect the alleged abductors from an angry crowd of onlookers demanding the woman's release. The reported kidnappers, it turned out, were special agents from Immigration and Customs Enforcement.<sup>42</sup>

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<sup>33</sup> Vives et. al., *L.A. neighborhoods clear out as immigration raids send people underground*, Los Angeles Times (June 15, 2025), available at: <https://www.latimes.com/california/story/2025-06-15/some-l-a-neighborhoods-clear-out-as-immigration-raids-push-people-underground>.

<sup>34</sup> Uranga, *Most nabbed in L.A. raids were men with no criminal conviction, picked up off the street*, Los Angeles Times (June 24, 2025), available at: <https://www.latimes.com/california/story/2025-06-24/detention-centers-swell-with-immigrants-with-no-criminal-record>

<sup>35</sup> Ward, *Trump got \$170 billion for immigration. Now he has to enact it*, Politico (July 5, 2025), available at: <https://www.nytimes.com/interactive/2025/06/27/us/ice-arrests-trump.html>

<sup>36</sup> Jarvie, *ICE agents wearing masks add new levels of intimidation, confusion during L.A. raids* (July 7, 2025), available at: <https://www.latimes.com/california/story/2025-07-07/masking-of-federal-agents-very-dangerous-and-perfectly-legal>

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*

<sup>40</sup> Team, FOX 11 Digital, Narciso Barranco: *DHS Says OC Gardener Detained by Ice Swung Weed Whacker at Agent*, FOX 11 Los Angeles, FOX 11 Los Angeles (June 23, 2025), available at: [www.foxla.com/news/narciso-barranco-oc-gardener-arrested-ice](http://www.foxla.com/news/narciso-barranco-oc-gardener-arrested-ice).

<sup>41</sup> Jany, *Kidnappers or ICE agents? LAPD grapples with surge in calls from concerned citizens*, Los Angeles Times (July 3, 2025), available at: <https://www.latimes.com/california/story/2025-07-03/los-angeles-police-immigration-kidnappings>

<sup>42</sup> *Ibid.*

Most applicable to this bill, the prevalence of masked or otherwise unidentified immigration agents makes it easier for members of the public to impersonate ICE officers for the purposes of harassing, intimidating, or otherwise committing violence against members of the immigrant community. Earlier this year, the Los Angeles Unified School District (LAUSD) reported three incidents of individuals impersonating ICE agents.<sup>43</sup> Recently in Burbank, two masked men impersonating federal agents, stopped a woman and asked her for her papers.<sup>44</sup> Several weeks ago, Huntington Park police arrested a man suspected of posing as a federal immigration officer.<sup>45</sup> In February of this year at least three states reported arresting individuals for allegedly impersonating ICE agents.<sup>46</sup> In one example, a South Carolina man was charged with kidnapping and impersonating a police officer after allegedly detaining a group of Latino men.<sup>47</sup> In another, a man allegedly impersonating an ICE officer sexually assaulted a woman and threatened to deport her if she did not have sex with him.<sup>48</sup>

It is against this backdrop that this bill seeks to strengthen California's laws pertaining to law enforcement identification and impersonation of peace officers.

**10) Effect of this Bill:** SB 805 contains four distinct provisions.

*a) Impersonation of Specified Government Personnel*

Under current law it is a crime to impersonate specified persons, including peace officers. Specifically, existing law makes willfully wearing, exhibiting, or using the authorized uniform, insignia, emblem, device, label, certificate card, or writing, of a peace officer, a member of the fire department, deputy fire marshal or search and rescue personnel, with the intent of fraudulently impersonating them or of fraudulently inducing the belief that the defendant is one of them, or who willfully and credibly impersonates that person on an internet website or by other electronic means for the purpose of defrauding another, a misdemeanor punishable by imprisonment in county jail for up to six months, by a fine of \$1,000, or both. (Pen. Code, §§ 538d, subd. (a); 538e, subd. (a); 538h, subd. (a); Pen. Code, § 19.) Similarly, it is a misdemeanor to impersonate an employee of a public utility or district or a state, county, or city employee. (Pen. Code, §§ 538f, subd. (a); 538g.)

This bill broadens the misdemeanor offense of willfully and credibly impersonating a peace officer, member of the fire department, deputy fire marshal, public utility or district employee, state, county, or city employee, or search and rescue personnel *on an internet website or by other electronic means for the purpose of defrauding another*. Specifically, it specifies that this misdemeanor also encompasses willful and credible impersonations of such persons *by any other means*, for the purposes of defrauding another, rather than only those impersonations that take place on an internet website or by other electronic means.

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<sup>43</sup> Medina et al., *Ice Impersonators Target Lausd Community, Sparking Fear and Protests*, NBC Los Angeles, NBC Southern California (Feb. 7, 2025), available at: [www.nbclosangeles.com/news/local/ice-impersonators-target-lausd-community/3626973/](http://www.nbclosangeles.com/news/local/ice-impersonators-target-lausd-community/3626973/).

<sup>44</sup> Jarvie, *supra*.

<sup>45</sup> Olivares, *US sees spate of arrests of civilians impersonating ICE officers*, The Guardian (June 28, 2025), available at: <https://www.theguardian.com/us-news/2025/jun/28/civilians-impersonating-ice-officers>

<sup>46</sup> Moshtaghian et al., *Multiple ICE impersonation arrests made during nationwide immigration crackdown*, CNN (Feb. 5, 2025), available at: <https://www.cnn.com/2025/02/04/us/ice-impersonators-on-the-rise-arrests-made-as-authorities-issue-national-warning>

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

*b) The Bail Fugitive Recovery Act*

Amid the recent immigration raids there have been rumors that federal authorities are enlisting “bounty hunters” or private security contractors to conduct immigration arrests.<sup>49</sup> In January of this year an alleged bounty hunter in Washington State claimed that ICE will deputize bounty hunters and pay them a fix amount for each undocumented person they detain.<sup>50</sup> At this time, these claims are unverified. DHS has denied that ICE utilizes bounty hunters to make immigration arrests.<sup>51</sup> However, Washington State subsequently enacted SB 5714, which imposes specified penalties on bail bond recovery agents who use their position to enforce a civil immigration warrant or share a defendant’s immigration status to anyone outside that bail bond agency’s business.<sup>52</sup>

In California, a bail fugitive recovery agent (as well as a bail agent, bail permittee, bail solicitor, or licensed private investigator, who is also a bail fugitive recovery agent) is authorized to apprehend, detain, or arrest a bail fugitive. (Pen. Code, § 1299.02, subd. (a).) A “bail fugitive” means a defendant in a pending criminal case who has been released from custody under a financially secured appearance, cash, or other bond and has had that bond declared forfeited, or a defendant in a pending criminal case who has violated a bond condition whereby apprehension and re-incarceration are permitted. (Pen. Code, § 1299.01, subd. (a)(1).) A “bail fugitive recovery agent” is a licensed person that has been authorized by the bail agent, bail permittee, bail solicitor, or depositor of bail, who is contracted to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate court, jail, or police department, as well as any person who is employed to assist a bail agent, bail permittee, bail solicitor, or depositor of bail to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate court, jail, or police department. (Pen. Code, § 1299.01, subd. (a)(4); Ins. Code, § 1802.3, subd. (a).) A person authorized to apprehend a bail fugitive may not represent themselves as a sworn law enforcement officer, wear any uniform or badge, or use a fictitious name that represents themselves as belonging to a government agency. (Pen. Code, § 1299.07, subds. (a)-(d).)

The California Values Act’s prohibition against law enforcement cooperation with federal immigration authorities applies to state or local law LEAs, including school police or security departments, although excluding the Department of Corrections and Rehabilitation. (Gov. Code, § 7284.4, subd. (a).) Because bail fugitive recovery agents typically contract with private bail companies, they are not subject to requirements and prohibitions of the California Values Act.

Unlike the Washington State bill, which was limited to civil immigration enforcement matters, this bill would prohibit authorized bail agents from assisting in *both* civil and criminal immigration enforcement. The bill prohibits an individual authorized to apprehend a bail fugitive from using that position for the purposes of immigration enforcement more generally. It defines “immigration enforcement” to mean any and all efforts to investigate,

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<sup>49</sup> Jany, *supra*.

<sup>50</sup> Christensen, *What we know about rumors ICE is ‘deputizing’ bounty hunters to arrest undocumented immigrants*, Yahoo News (July 7, 2025), available at: <https://www.yahoo.com/news/know-rumors-ice-deputizing-bounty-110000537.html>

<sup>51</sup> *Ibid*.

<sup>52</sup> Washington State Legislature, *SB 5714 – 2025-26* (accessed July 9, 2024), available at: <https://app.leg.wa.gov/BillSummary/?BillNumber=5714&Year=2025&Initiative=false>

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 U.S. (See Gov. Code, § 7284.4, subd. (f).) It also requires such authorized persons to keep a defendant's immigration status confidential within their employing bail bond agency's business.

Existing law likely already prohibits a bail fugitive recovery agent from utilizing their position for civil immigration enforcement purposes. A bail fugitive recovery agent is authorized to investigate, surveil, locate, and arrest a defendant in a pending *criminal* case whose bond has been forfeited or who otherwise has violated a bond condition, for surrender to the appropriate court, jail, or police department. (Pen. Code, § 1299.01, subd. (a)(1); Ins. Code, § 1802.3, subd. (a).) Because this authority is limited to detaining and arresting criminal defendants, California law already appears to prohibit such persons from participating in the investigation or enforcement of federal civil immigration law.

Similarly, existing law likely already prohibits a bail fugitive recovery agent from using their position for the specific purpose of immigration enforcement. A bail fugitive recovery agent's license only permits the licensee to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate court, jail, or police department. Enforcing federal immigration law is beyond the scope of their authority. (Pen. Code, § 1299.01, subd. (a)(4); Ins. Code, § 1802.3, subd. (a).)

That said, in cases where a criminal defendant is undocumented and not immediately taken into custody by ICE, posts bail, and subsequently has their bond forfeited or otherwise violates a bond condition making them subject to arrest, that bail fugitive recovery agent may detain and return that person to law enforcement, irrespective of their citizenship status. Here, a bail fugitive recovery agent that detains an undocumented criminal defendant out on bail, and returns that person to law enforcement custody, could be considered to be assisting in the enforcement of federal immigration law. To the extent that is the case, this bill would prohibit such a bail fugitive recovery agent from accepting contracts to detain undocumented criminal defendants.

*c) Requiring Law Enforcement Personnel to Visibly Display Identification*

California law is relatively succinct as it pertains to law enforcement identification requirements. Penal Code section 830.1 states that “[a]ny uniformed peace officer shall wear a badge, nameplate, or other device which bears clearly on its face the identification number or name of the officer.” (Pen. Code, § 830.10.) This requirement applies to “peace officers,” a broad designation that encompasses police officers, county sheriffs, harbor police, specified CHP officers, members of the UC or CSU police departments, specified members of CDCR, specified superior court marshals, specified port officers, and specified District Attorney investigators, among other state agency personnel. (Pen. Code, § 830 et. seq.) Federal law enforcement officers and criminal investigators are not California peace officers, although they may exercise the arrest powers of a peace officer in specified circumstances. (Pen. Code, § 830.8.)

Some California LEAs are statutorily required to issue badges to their officers, although the statutes are silent as to, if, and when, such badges must be worn. (See Gov. Code, § 26690

[requiring Board of Supervisors to furnish sheriffs and deputy sheriffs with badges inscribed with “Sheriff” or “Deputy Sheriff”]; Veh. Code, § 2257 [requiring the Commissioner of the California Highway Patrol to issue badges with the California state seal, the words “California Highway Patrol,” and the particular officers designation].) Similarly, CDCR peace officer personnel must wear uniforms and insignia, unless specifically exempted, and such uniformed personnel must wear the official department badge as a standard item of uniform attire, and clearly displayed nameplate as a standard item of uniform attire. (Cal. Code Regs., tit. 15, § 3393.)

In the context of the California Public Records Act (CPRA), California courts have emphasized the strong public interest in peace officer’s identities. While not directly applicable to this bill, these discussions provide helpful context. As stated by the California Supreme Court:

We find no well-established social norm that recognizes a need to protect the identity of all peace officers. Peace officers operate in the public realm on a daily basis, and identify themselves to the members of the public with whom they deal. Indeed, uniformed peace officers are required to wear a badge or nameplate with the officer’s name or identification number. (*Commission on Peace Officer Standards & Training v. Superior Court* (2007) 42 Cal.4th 278, 301.)

This interest, however, must give way when an officer’s particular duties, such as an undercover officer, demand anonymity to perform their duties effectively or protect their own safety. (*Ibid.*)

Setting aside this bill’s application to federal law enforcement personnel (discussed in the next subheading), this bill would expand California’s existing law enforcement identification requirement. Currently, the requirement that an officer wear a device that clearly shows that officer’s identification number or name applies to a “uniformed peace officer.” (Pen. Code, § 830.10.) This does not apply to plainclothes peace officers, or law enforcement personnel that are not peace officers. This bill requires personnel of a LEA operating in California to visibly display identification that includes either a name or badge number to the public when performing their duties. A violation of this requirement is a misdemeanor, punishable by imprisonment in county jail for up to six months, a fine of \$1,000, or both. This bill broadly defines “personnel of a law enforcement agency” to mean any officer of a local, state, or federal LEA or any person acting on behalf of a local, state, or LEA, except for personnel while operating undercover.

The author may wish to clarify certain provisions of this proposed identification requirement. As noted above, this bill appears to apply to law enforcement personnel more generally, rather than only peace officers, and therefore is broader than the current law enforcement identification statute. The author may wish to expand upon the persons subject to this mandate. Does “officer” mean “peace officer” or would that encompass any employee of that agency regardless of whether their duties demand interacting with members of the public? Further, the author may wish to clarify what it means for a person to “act[] on behalf of a local, state, or federal law enforcement agency” as the intended application and scope of that phrase is unclear.

Additionally, this bill's proposed identification requirement applies irrespective of whether the officer is wearing a uniform. Instead, it requires law enforcement officers "visibly display identification...to the public when performing their duties." The author may wish to clarify the meaning of "to the public." Would this identification requirement only apply when an officer is physically interacting with a member of the public or any time they are in a public setting more generally?

Finally, to avoid creating two separate overlapping statutes with different law enforcement identification requirements, the author may wish to amend Penal Code section 830.10 directly, or otherwise clarify how this bill interacts with that section.

*d) Authorizing Law Enforcement Employees to Request Identification*

Lastly, this bill seeks to address the recent incidents of law enforcement impersonations by authorizing an employee of an LEA, which includes any employee of any local, state, or federal law enforcement agency or any person acting on behalf of a local, state, or federal law enforcement agency, to request an alleged law enforcement employee to present identification when there is probable cause or reasonable suspicion of a crime, including, but not limited to, impersonating a peace officer, or when there is a legitimate safety concern.

Notably, this proposed authorization applies to all law enforcement employees irrespective of whether such employees are peace officers. Non-peace officer law enforcement employees do not have legal authority to enforce California's criminal laws, such as criminal impersonation of a peace officer. In fact, authorizing non-peace officers to request an alleged law enforcement employee to provide identification where there is probable cause or reasonable suspicion of a crime, or where there is a legitimate safety concern, may improperly encourage such persons to engage in criminal investigation activity beyond the scope of their authority and capabilities. In practice, the effect of this provision may be minimal. This bill only authorizes a law enforcement employee to request an alleged law enforcement employee to present identification in certain circumstances. It does not mandate or obligate the person receiving the request to provide such identification.

As applied to peace officers, the need for this bill is unclear. Peace officers already have authority to arrest a person if they have probable cause to believe they are impersonating a peace officer. Peace officers may arrest a person without a warrant in any of the following circumstances: 1) the officer has probable cause to believe that the person to be arrested has committed a public offense in the officer's presence; 2) the person arrested has committed a felony, although not in the officer's presence; and 3) the officer has probable cause to believe that the person to be arrested has committed a felony, whether or not a felony, in fact, has been committed. Impersonation of a peace officer, firefighter, search and rescue personnel, a public utility employee, or a state, county, or local employee is a misdemeanor. (Pen. Code, §§ 19; 538d, subd. (a); 538e, subd. (a); 538f, subd. (a); 538h, subd. (a); 538g.) This means that a peace officer may already arrest a person if they have probable cause to believe a person is falsely impersonating an officer in their presence.

Moreover, even if a peace officer does not have probable cause to believe the other person is impersonating an alleged law enforcement officer there is nothing prohibiting that officer from asking that person to present identification, subject to their consensual response. (*People v. Leath* (2013) 217 Cal.App.4th 344.) Whether a person is required to respond and



provide such identification, however, will depend upon whether they are being detained or arrested, which is governed by Fourth Amendment jurisprudence. As referenced above, an officer is generally permitted to ask a person for their identification during a consensual encounter, in which that person voluntarily gives the officer their identification. (*Ibid.*) However, under the Fourth Amendment, an officer is prohibited from demanding that a defendant identify themselves if that officer does not have reasonable suspicion to believe there is criminal activity. (*Hiibel v. Sixth Judicial District Court of Nevada, Humboldt County* (2004) 542 U.S. 177.) In an investigative detention based on reasonable suspicion an officer may ask a person to identify themselves, whereby a person may be subject to criminal penalties for failure to respond. (*Ibid*; *People v. Lopez* (2004) 119 Cal. App. 4th 132.) Generally, asking the detainee's identity does not violate either the Fourth Amendment or the Fifth Amendment, but it is an open question whether the Fifth Amendment prohibits a "stop and identify" scenario whereby that person identifying oneself to the police would contribute towards the evidence needed for conviction. (*Ibid.*)

As such, authorizing a peace officer to request identification of a person where there is reasonable suspicion that they are engaging in the crime of impersonating a peace officer is largely declarative of existing law. However, to the extent that this bill suggests that a person suspected of impersonating a peace officer is required to respond to such a request for identification, absent reasonable suspicion of criminal activity or based on "a legitimate safety concern" that does not amount to reasonable suspicion of criminal activity, this bill may be vulnerable to a Fourth Amendment challenge.

Given the above, this provision of the bill raises several questions. Is this intended to apply to all law enforcement employees or only peace officers? What is a legitimate safety concern? This term is not defined and risks creating confusion surrounding when a person is obligated to respond to an officer's request for identification, which is a matter of constitutional Fourth Amendment jurisprudence. Further, similar to the provision requiring law enforcement personnel to wear identification more generally, the author may wish to clarify what it means for a person to "act[] on behalf of a local, state, or federal law enforcement agency."

- 14) **Intergovernmental Immunity and Federal Preemption:** Two of SB 805's provisions explicitly apply to federal law enforcement agencies, in addition to local and state ones. The authorization for law enforcement employees to request an alleged law enforcement employee for identification applies to "any employee of any local, state, or federal law enforcement agency or any person acting on behalf of a local, state, or federal law enforcement agency." Similarly, the requirement that law enforcement personnel display specified identification, subject to misdemeanor penalties, also applies to "any officer of a local, state, or federal law enforcement agency or any person acting on behalf of a local, state, or federal law enforcement agency," other than those operating undercover. These provisions, and particularly the latter, can reasonably be expected to make this bill subject to a legal challenge.

State laws that conflict with federal laws or attempt to regulate the federal government may be invalidated for several reasons. The Supremacy Clause of the United States Constitution provides that federal law "shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." (U.S. Const., art. VI, cl. 2.) The doctrine of intergovernmental immunity is derived from the Supremacy Clause of the Constitution. Intergovernmental

immunity demands that “the activities of the Federal Government are free from regulation by any state.” (*United States v. California* (9th Cir. 2019) 921 F.3d 865, 879, citations omitted.) This makes a state regulation invalid if it “regulates the United States directly or discriminates against the Federal Government or those with whom it deals.” (*N.D. v. United States* (1990) 495 U.S. 423, 435.) A related doctrine is conflict preemption, whereby state laws that conflict with federal law are preempted. (*U.S. v. California, supra*, F.3d at pp. 878-879.) “This includes cases where compliance with both federal and state regulations is a physical impossibility, and those instances where the challenged state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.” (*Arizona v. United States* (2012) 567 U.S. 387, 399.)

In *United States v. California* (9th Cir. 2019) 921 F.3d 865, the Ninth Circuit Court of Appeals upheld the provisions of the California Values Act relating to law enforcement cooperation with ICE. The court had “no doubt that SB 54 makes the jobs of federal immigration authorities more difficult.” (*Id.* at p. 886.) But the court concluded that “this frustration does not constitute obstacle preemption,” because federal law “does not require any particular action on the part of California or its political subdivisions.” (*Id.* at p. 889.) “Even if SB 54 obstructs federal immigration enforcement,” the court stated, “the United States’ position that such obstruction is unlawful runs directly afoul of the Tenth Amendment and the anticommandeering rule.” (*Id.* at p. 888.) “California has the right, pursuant to the anticommandeering rule, to refrain from assisting with federal efforts.” (*Id.* at p. 891.) The court concluded that SB 54 does not violate the United States’ intergovernmental immunity for similar reasons. (*Ibid.*)

The likelihood of this bill surviving legal scrutiny under the intergovernmental immunity doctrine and federal preemption is more dubious. Unlike the Values Act, which limited state and local cooperation with federal immigration authorities in certain circumstances, this bill imposes an affirmative and direct obligation on federal law enforcement personnel operating in California to visibly display identification when performing their duties. Explicitly imposing this obligation on federal law enforcement personnel, and making a violation of that obligation a misdemeanor, can reasonably be expected to be considered a direct regulation of the federal government in violation of the Supremacy Clause.

This bill also creates a new identification requirement for federal immigration officers that is not currently required under federal law. Under federal regulations a designated immigration officer involved in immigration enforcement must identify themselves as an immigration officer authorized to execute an arrest “at the time of the arrest,” and as soon as it is practical arrest to do so.” (8 C.F.R. § 287.8 (c)(2)(iii).) This does not require an immigration officer to wear visible identification generally. Here, requiring all federal law enforcement personnel to wear visible identification while operating in California, whereby violations may be punished as a misdemeanor, may be considered to conflict with the narrower federal regulatory requirement that immigration officers simply identify themselves at the time of arrest. Moreover, given that this bill’s identification requirement applies to all federal law enforcement personnel, not only federal immigration officers, this requirement may also conflict with other federal statutes that establish identification requirements for non-immigration federal law enforcement personnel. Whether requiring federal officers to display identification constitutes an obstacle to federal immigration enforcement, for purposes of obstacle preemption, is less clear.

However, this bill does contain a severability clause. This may preserve the application of the rest of this bill's provisions in the event that the provisions of this bill applying to federal law enforcement officers are found unconstitutional.

- 11) **Argument in Support:** According to the *Coalition for Humane Immigrant Rights (CHIRLA)*, "Since June of 2025, we have seen an increase in calls about families having a missing family member who they think was taken by Immigration Enforcement but are not able to confirm where the person was taken. Since DHS, is not letting us speak with our clients, we often are being left in the dark about the whereabouts of our missing immigrants.

"Recent immigration enforcement activities by the United States Immigration and Customs Enforcement (ICE) agency have caused widespread fear and confusion in our communities, particularly when officers appear in sensitive locations such as schools and churches, often masked and lacking clear identification. The lack of transparency in these encounters has resulted in growing concerns among community members and local officials who do not know with certainty who is responsible for incidents resembling kidnappings and the use of excessive force, which makes accountability impossible.

"Multiple news reports have exposed individuals impersonating ICE officers to harass or detain others, eroding public trust and endangering vulnerable communities. In Los Angeles, an individual posing as an ICE agent tried to stop a school bus, but the driver followed protocol and drove off. Other impersonation cases include the kidnapping and unlawful detention of a group of Latino men, individuals posing as ICE agents on a college campus, and a sexual assault involving threats of deportation by someone impersonating an ICE officer. These incidents are made worse by reports that bounty hunters are being recruited to target undocumented immigrants, raising serious safety concerns.

"SB 805 takes important steps to address these concerns by requiring law enforcement personnel to display proper identification and authorizing them to request identification from anyone claiming to be a law enforcement officer if there is reasonable suspicion of criminal activity or a safety concern. It also prohibits bail agents from engaging in immigration enforcement and expands laws against impersonation of police and other public officials."

- 12) **Argument in Opposition:** According to the *California Police Chiefs Association (CPCA)*, "CPCA and our members understand the importance of operating in a manner the instills public trust in our officers' actions and authority. We generally support the intent behind this bill, but believe the current exemptions fail to encapsulate the types of exigent circumstances that need to be considered. Examples of situations we believe need to be considered include an account for certain personnel protective equipment that officers wear on top of their standard uniform, or situations where an officer has their badge or identification unknowingly or unwillingly removed or ripped from their uniform during a conflict. Additionally, we feel that the provisions of this bill related to officer identification are better suited for policy requirements, and not criminal penalties."

13) **Related Legislation:**

- a) SB 627 (Wiener) would prohibit an officer of a local, state, or federal law enforcement agency from wearing any mask or personal disguise while interacting with the public in

the performance of their duties, subject to specified exemptions. SB 627 is being heard in this committee today.

- b) SB 571 (Archuleta) would increase the punishment for false personation of a first responder under specified circumstances. SB 571 is being heard in this committee today.
- c) AB 468 (Gabriel) would increase the penalties for looting in an evacuation zone and impersonating emergency personnel in an evacuation zone. AB 468 is pending a hearing in Senate Public Safety Committee.
- d) SB 264 (Valladares) would make impersonating a peace officer or an officer or member of a fire department during a state of emergency or local emergency punishable as a wobbler. SB 264 was never heard in Senate Public Safety Committee.
- e) AB 271 (Hoover) would create a new sentence enhancement for impersonating specified emergency personnel. AB 271 was never heard in this committee.

**14) Prior Legislation:**

- a) AB 1899 (Mathis), Chapter 954, Statutes of 2022, prohibits the false impersonation of peace officers, firefighters, and other public officers and employees through, or on, an Internet website, or by other electronic means.
- b) AB 2043 (Jones-Sawyer), Chapter 768, Statutes of 2022, prohibits a person from performing the activities of a bail fugitive recovery agent without a license, and requires an applicant for a bail fugitive recovery agent's license to file a surety bond, a policy of liability insurance, and a notice of appointment with the Insurance Commissioner.
- c) AB 2029 (Ammiano), Chapter 747, Statutes of 2012, provided regulation of bail fugitive recovery persons, including requiring that they be at least 18 years of age, complete 20 hours of classroom education, complete a 40-hour power of arrest course certified by POST.
- d) AB 243 (Wildman), Chapter 426, Statutes 1999, established the Bail Fugitive Recovery Persons Act providing for the regulation of bail fugitive recovery persons, including requiring that they be at least 18 years of age and complete two power of arrest courses.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Alameda County United for Immigrant Rights  
Alameda Labor Council  
California Alliance for Youth and Community Justice  
California Church Impact  
California Civil Liberties Advocacy  
California Faculty Association  
California Federation of Labor Unions, Afl-cio

California School Employees Association  
California-hawaii State Conference of the NAACP  
Californians for Safety and Justice  
Centro Legal De LA Raza  
Cft- a Union of Educators & Classified Professionals, Aft, Afl-cio  
City of Monterey Park  
City of Paramount  
Coalition for Humane Immigrant Rights (CHIRLA)  
Courage California  
Culver City Democratic Club  
Eden United Church of Christ  
Fair Chance Project  
Faith in Action East Bay  
Felony Murder Elimination Project  
Filipino Advocates for Justice  
Friends Committee on Legislation of California  
Hijas Del Campo  
Indivisible CA Statestrong  
Indivisible Westside Los Angeles  
Initiate Justice Action  
Justice2jobs Coalition  
LA Defensa  
Latino Community Foundtion  
Local 148 LA County Public Defenders Union  
Los Angeles County Democratic Party  
National Union of Healthcare Workers (NUHW)  
Orange County Board of Supervisors - Supervisor Vicente Sarmiento  
Rubicon Programs  
San Francisco Labor Council  
San Mateo Labor Council  
Santa Monica Democratic Club  
Service Employees International Union, Local 1000  
Showing Up for Racial Justice San Francisco - Surj Sf  
Sikh American Legal Defense and Education Fund (SALDEF)  
Silicon Valley De-bug  
Sister Warriors Freedom Coalition  
Smart Justice California, a Project of Tides Advocacy  
South Bay Afl-cio Labor Council  
The W. Haywood Burns Institute  
Upte-cwa 9119  
Valor US  
Viet Voices  
West Hollywood/hernan Molina, Governmental Affairs Liaison

**Oppose**

California Police Chiefs Association

**Other**

American Bail Coalition

**Analysis Prepared by:** Ilan Zur / PUB. S. / (916) 319-3744