

Amended Mock-up for 2025-2026 SB-1105 (Pérez (S))

**Mock-up based on Version Number 97 - Amended Senate 4/8/26
Submitted by: Staff Name, Office Name**

UPDATED

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

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

(a) Article I of the California Constitution and the Fourteenth Amendment to the United States Constitution guarantee equal protection of the law and the right to be free from unreasonable seizures. California law prohibits racial profiling and other forms of discrimination on the basis of protected personal characteristics including race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability.

(b) In enacting the California Racial and Identity Profiling Act of 2015, the Legislature declared all of the following:

(1) Racial or identity profiling is a practice that presents a great danger to the fundamental principles of our Constitution and a democratic society.

(2) Profiling is abhorrent and cannot be tolerated.

(3) Profiling alienates people from law enforcement, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people whom law enforcement is sworn to protect and serve.

(c) The rights to privacy and free expression, including the expression of dissenting political viewpoints, are guaranteed by Article I of the California Constitution and the Fourteenth Amendment to the United States Constitution. These are fundamental rights essential to a free society.

(d) It is the intent of the Legislature to act within the state's legal authority to prevent the use of California resources, personnel, property, or partnerships to facilitate unlawful discrimination or support programs that criminalize protected personal characteristics and constitutionally protected expression in violation of the California and United States Constitutions and state law.

(e) Entangling state and local agencies with federal operations that target civil society groups based on protected expression or that rely on racial profiling diverts already limited resources and blurs the lines of accountability between local, state, and federal government.

(f) It is the intent of the Legislature to protect safety, well-being, and constitutional rights of the people of California, and to direct the state's limited resources to matters of greatest concern to state and local governments.

(g) The state has both the authority and the responsibility, pursuant to its police powers, to uphold its laws and protect the safety, well-being, and fundamental rights of all people within its jurisdiction.

(h) Interagency agreements that provide for state and local agencies to participate in operations that involve racial or identity profiling, law enforcement targeting of constitutionally protected expressive conduct, indiscriminate or unnecessary deployment of crowd control weapons, or unauthorized use of military weapons are contrary to the express provisions and underlying policies of existing California law. It is the intent of the Legislature to expressly declare that those interagency agreements are against public policy, and to affirm the requirements of existing law.

SEC. 2. Section 830.8 of the Penal Code is amended to read:

830.8. (a) (1) Federal criminal investigators and law enforcement officers are not California peace officers, but may exercise the powers of arrest consistent with Sections 185.5 and 13654 in any of the following circumstances:

(A) When requested by a California law enforcement agency to be involved in a joint task force or criminal investigation.

(B) When probable cause exists to believe that a public offense that involves an immediate threat of great bodily injury has just occurred or is being committed.

(2) The provisions of Section 847 shall apply whenever a federal criminal investigator or law enforcement officer is exercising the authority granted in paragraph (1). These investigators and law enforcement officers, prior to the exercise of these arrest powers, shall have been certified by their agency heads as having satisfied the training requirements of Section 832, or the equivalent thereof.

(3) This subdivision does not affect the powers of federal investigators and law enforcement officers when they are engaged in the enforcement of federal criminal laws and exercising their federal arrest powers pursuant to the performance of those duties.

(4) This subdivision does not apply to federal officers of the federal Bureau of Land Management or the United States Forest Service. These officers have no authority to enforce California statutes without the written consent of the sheriff or the chief of police in whose jurisdiction they are assigned.

(b) National park rangers are not California peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 of this code, and the powers of a peace officer specified in Section 5150 of the Welfare and Institutions Code for violations of state or local laws provided these rangers are exercising the arrest powers incidental to the performance of their federal duties or providing or attempting to provide law enforcement services in response to a request initiated by California state park rangers to assist in preserving the peace and protecting state parks and other property for which California state park rangers are responsible. National park rangers, prior to the exercise of these arrest powers, shall have been certified by their agency heads as having satisfactorily completed the training requirements of Section 832.3, or the equivalent thereof.

(c)(1) Deputized tribal law enforcement officers of the federal Bureau of Indian Affairs are not California peace officers, but may exercise the powers of arrest of a peace officer, subject to the provisions of Sections 185.5 and 13654, in any of the following circumstances:

(A) In the circumstances specified in Section 836 of this code for violations of state or local law, and as specified in Section 5150 of the Welfare and Institutions Code.

(B) When engaged in the enforcement of federal criminal law and exercising arrest powers only incidental to the performance of those federal duties.

(C) When providing or attempting to provide law enforcement services in response to a request initiated by peace officers to assist in preserving the peace and protecting Indian reservations or rancherias, and other tribal lands held in trust by the federal government for which peace officers are responsible, pursuant to Public Law 280 (18 U.S.C. Sec. 1162).

(2) A deputized tribal law enforcement officer of the federal Bureau of Indian Affairs, prior to the exercise of these arrest powers, shall have been certified by their agency head as having satisfactorily completed the training requirements of Section 832.3 or the equivalent thereof.

(~~d~~e) Notwithstanding any other provision of law, during a state of war emergency or a state of emergency, as defined in Section 8558 of the Government Code, federal criminal investigators and law enforcement officers who are assisting California law enforcement officers in carrying out emergency operations at the request of the Governor are not deemed California peace officers, but may exercise the powers of arrest of a peace officer as specified in Section 836 of this code, and the powers of a peace officer specified in Section 5150 of the Welfare and Institutions Code for violations of state or local laws. In these instances, the provisions of Section 185.5, 847, and 13654 of this code and of Section 8655 of the Government Code shall apply.

(~~e~~d) (1) Any qualified person who is appointed as a Washoe tribal law enforcement officer is not a California peace officer, but may exercise the powers of a Washoe tribal peace officer when engaged in the enforcement of Washoe tribal criminal laws against any person who is an Indian, as defined in subsection (d) of Section 450b of Title 25 of the United States Code, on Washoe tribal land. The respective prosecuting authorities, in consultation with law enforcement agencies,

may agree on who shall have initial responsibility for prosecution of specified infractions. This subdivision is not meant to confer cross-deputized status as California peace officers, nor to confer California peace officer status upon Washoe tribal law enforcement officers when enforcing state or local laws in the State of California. Nothing in this section shall be construed to impose liability upon or to require indemnification by the County of Alpine or the State of California for any act performed by an officer of the Washoe Tribe. Washoe tribal law enforcement officers shall have the right to travel to and from Washoe tribal lands within California in order to carry out tribal duties.

(2) Washoe tribal law enforcement officers are exempted from the provisions of subdivision (a) of Section 25400 and subdivision (a) and subdivisions (c) to (h), inclusive, of Section 25850 while performing their official duties on their tribal lands or while proceeding by a direct route to or from the tribal lands. Tribal law enforcement vehicles are deemed to be emergency vehicles within the meaning of Section 30 of the Vehicle Code while performing official police services.

(3) As used in this subdivision, the term “Washoe tribal lands” includes the following:

(A) All lands located in the County of Alpine within the limits of the reservation created for the Washoe Tribe of Nevada and California, notwithstanding the issuance of any patent and including rights-of-way running through the reservation and all tribal trust lands.

(B) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

(4) As used in this subdivision, the term “Washoe tribal law” refers to the laws codified in the Law and Order Code of the Washoe Tribe of Nevada and California, as adopted by the Tribal Council of the Washoe Tribe of Nevada and California.

SEC. 3. Section 11054.5 is added to the Penal Code, to read:

11054.5. (a) Except as required by federal or state law, a California law enforcement agency shall not enter into an interagency agreement unless the agreement is in writing and expressly provides that any California law enforcement agency that is a party to the agreement shall not engage in the following conduct:

(1) Racial or identity profiling, as defined and prohibited by Section 13519.4.

(2) Investigation, arrest, use of force, or imposition of civil or criminal liability or other penalties upon a person or entity based solely on constitutionally protected expressive conduct. ~~including, but not limited to, either of the following:~~

~~(A) Requests made by federal authorities or other out-of-state authorities to obtain data or conduct surveillance or investigation in furtherance of the objectives in the September 26, 2025, National Security Presidential Memorandum No. 7, including, pursuant to a joint law~~

~~enforcement task force request or agreement made in furtherance of the objectives of that memorandum.~~

~~(3B)~~ Deployment of kinetic energy projectiles and chemical agents against an assembly, protest, or demonstration that does not meet the requirements of Section 13652.

~~(43)~~ Use, deployment, or acquisition of military equipment that has not been authorized pursuant to Section 7071 of the Government Code.

(b) An interagency agreement shall not exceed four years in duration. The agreement may be renewed upon the creation of a new written instrument.

(c) Except as required by federal or state law, a California law enforcement agency shall not use agency or departmental resources or personnel to assist an operation executed in whole, or in part, by a federal or out-of-state law enforcement agency when it knows or reasonably should know, based on credible and articulable facts, has information that a federal or out-of-state law enforcement agency has engaged in, or intends to engage in, the actions described in paragraph (2) of subdivision (a) during the specific operation in which the California law enforcement agency is participating. in that operation.

(d) (1) An interagency agreement in existence on January 1, 2027, is presumptively valid and may remain in effect until July 1, 2027. On or before July 1, 2027, the interagency agreement shall be amended to include the limitations in subdivision (a).

(2) Except as set forth in paragraph (1), an interagency agreement that does not expressly include the limitations in subdivision (a) is contrary to law and public policy, and is void and unenforceable.

(3) This section shall not be construed to render an interagency agreement void and unenforceable based solely on a federal law enforcement officer or out-of-state law enforcement officer engaging in conduct described in subdivision (a).

(e) The following shall be deemed a violation of this section:

(1) The California law enforcement agency has engaged in the conduct described in subdivision (a) under the auspices of an interagency agreement.

(2) The California law enforcement agency did not otherwise comply with the requirements of this section.

(f) For purposes of this section, the following terms have the following meanings:

(1) “California law enforcement agency” means any of the following:

(A) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or the California Community Colleges.

(B) A sheriff's department.

(C) A district attorney's office.

(D) A county probation department.

(E) Any other law enforcement agency, department, or other entity of the state or any political subdivision thereof, that employs any peace officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

~~(2) "Joint law enforcement task force" means at least one California law enforcement agency collaborating, engaging, or partnering with at least one federal or other out-of-state law enforcement agency in investigating a violation of federal or state crimes, including, but not limited to, the United States Department of Homeland Security task forces established by Executive Order 14159, dated January 20, 2025, the Federal Bureau of Investigation Joint Terrorism Task Forces referenced in the September 26, 2025, National Security Presidential Memorandum No. 7, and the temporary Immigration and Customs Enforcement Protection task forces established by the Attorney General memorandum dated September 29, 2025.~~

(3) (A) "Interagency agreement" means an agreement or memorandum of understanding between a California law enforcement agency and a federal law enforcement agency or other out-of-state law enforcement agency for the purpose of criminal law enforcement, including, but not limited to, a mutual aid agreement.

(B) This definition shall not be construed to include individual or informal communications or consultations between a California law enforcement agency and a federal or out-of-state agency.

(4) "Constitutionally protected expressive conduct" means activities protected by the First Amendment of the United States Constitution or Sections 1 to 4, inclusive, of Article I of the California Constitution, including, but not limited to, all of the following:

(A) Assembly.

(B) Petitioning.

(C) Speech.

(D) Expression of political and religious opinions.

(E) Recording government officials engaged in their duties in public places.

(F) Publication of opinions or recordings.

(5) “Assist” or “assists” includes, but is not limited to, providing personnel for backup or perimeter control.

(f) This section does not prohibit or restrict any governmental entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities, immigration status information, lawful or unlawful, of an individual, or maintaining or exchanging that information with any other federal, state, or local governmental entity, pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.

SEC. 4. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

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