

Date of Hearing: June 1, 2022

Chief Counsel: Sandy Uribe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Reginald Byron Jones-Sawyer, Sr., Chair

SB 960 (Skinner) – As Amended May 25, 2022

SUMMARY: Eliminates the requirement that a person be a United States citizen or a permanent resident in order to become a peace officer and instead requires that the person be legally authorized to work in the United States per federal law. Specifically, **this bill:**

- 1) Repeals the requirement that a person be a United States citizen or a permanent resident who has applied for citizenship in order to be a peace officer.
- 2) Repeals the requirement that a person be a United States citizen in order to be a member of the California Highway Patrol (CHP).
- 3) Requires a person applying to be a peace officer to be legally authorized to work in the United States pursuant to specified federal law.
- 4) Repeals the requirement that a person who is a permanent resident who has applied to be a peace officer diligently cooperate with the United States Citizenship and Immigration Services in processing their citizenship application.
- 5) Makes conforming changes.

EXISTING LAW:

- 1) Requires each class of public officers or employees declared by law to be peace officers to meet all of the following minimum standards:
 - a) Be a citizen of the United States or a permanent resident who is eligible for and has applied for citizenship, except specified;
 - b) Be at least 18 years of age;
 - c) Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose a criminal record;
 - d) Be of good moral character, as determined by a thorough background investigation;
 - e) Be a high school graduate, pass the General Education Development Test or other high school equivalency test or have attained a two-year, four-year, or advanced degree from an accredited college or university, as specified; and,

- f) Be found to be free from any physical, emotional, or mental condition. (Gov. Code, § 1031, subds. (a)-(f).)
- 2) Contains an exemption from the citizenship requirement for individuals employed as peace officers or peace officer trainees, or applicants to become a peace officer who were so employed or had applied prior to the adoption of that requirement, provided that they apply for and meet the requirements for United States citizenship as soon as possible. (Gov. Code, § 1031.5, subd. (a).)
- 3) Requires a permanent resident immigrant who is employed as a peace officer to diligently cooperate with the United States Citizenship and Immigration Services in processing their citizenship application, and disqualifies the person if citizenship has not been obtained within three years due to the officer's failure to cooperate in the processing of the application. (Gov. Code, § 1031.5, subd. (b).)
- 4) States that any permanent resident immigrant who is employed as a peace officer shall be disqualified from holding that position if the officer's application for citizenship is denied. (Gov. Code, § 1031.5, subd. (c).)
- 5) Provides that a person shall not be appointed as a member of the CHP if they are not a citizen of the United States. (Veh. Code, § 2267, subd. (a).)

FISCAL EFFECT:

COMMENTS:

- 1) **Author's Statement:** According to the author, "SB 960 simply removes the citizenship provision from the California peace officer employment requirement. It is an archaic requirement that is not inclusive or representative of the diverse population of people that make up our great state. California has numerous opportunities for residents with full legal work authorization to apply and serve in a myriad of careers. Many non-citizen residents are eligible to serve as lawyers, practice medicine as physicians or nurses, and are eligible to receive professional licenses from the 43 CA Boards and Bureaus under the Department of Consumer Affairs. However, there is one profession that remains out of reach for work-authorized non-citizens in California - serving as peace officers in the cities and communities where they grew up. This bill would act as an effective recruitment tool for the department and improve the current relationship between law enforcement and communities of color by increasing the visibility and representation of people from the neighborhood."
- 2) **Peace Officer Citizenship Requirements:** "In accordance with Government Code Section 1031 and 1031.5, to be appointed as a peace officer in California, you must be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship. Citizenship status must be conferred within three years of applying for citizenship. Additional citizenship requirements are stipulated for California Highway patrol officers, who must be U.S. citizens at the time of appointment (per Vehicle Code Section 2267)." (<https://post.ca.gov/Peace-Officer-Citizenship-Requirements-FAQs>)

This bill would eliminate the citizenship requirement under state law for peace officers and CHP officers and replace it with a requirement that the person be legally authorized to work

in the United States per federal law.

- 3) **Citizenship Requirements Imposed by Agencies:** While this bill would eliminate the citizenship requirement under state law, it is possible that local law enforcement agencies have their own citizenship requirements. For example, the Los Angeles Police Department's Website notes, "The City of Los Angeles requires that a Police Officer candidate be United States citizen, or that a non-citizen be a permanent resident alien who, in accordance with the requirements of the U.S. Citizenship and Immigration Services (USCIS), is eligible and has applied for citizenship." (<https://www.joinlapd.com/qualifications>)

This bill does not include any provision expressly precluding local jurisdictions and agencies from instituting their own citizenship requirements.

- 4) **Recruitment and Retention Issues:** According to the International Association of Chiefs of Police, "Law enforcement agencies across the United States are struggling to recruit and hire police officers. Though agency-specific needs exist depending on size or locale, the difficulty with recruitment is a significant problem that is broadly affecting the field of law enforcement—it is not simply a result of poor agency management or localized failures." (*The State of Recruitment: A Crisis for Law Enforcement*, p. 2.

<[239416 IACP RecruitmentBR HR 0.pdf](#)> [as of May 24, 2022.]) "In September 2019, the International Association of Chiefs of Police conducted a membership survey to better understand the extent of the recruiting crisis, the factors that underlie current difficulties, and the impact these challenges have had on agencies and the communities they serve.

The IACP survey on recruitment demonstrates that the difficulty in recruiting law enforcement officers and employees is not due to one particular cause.

Rather, multiple social, political, and economic forces are all simultaneously at play in shaping the current state of recruitment and retention. They are both systemic in nature and reflect individual level considerations, making solutions to the problem particularly challenging." (*Ibid.*)

Of the agencies reporting to the membership survey, 78% of the agencies reported having difficulty in recruiting qualified candidates, 65% of agencies reported having too few candidates applying, and 50% reported having to change their agency policies in order to increase the chances of gaining qualified candidates. (*The State of Recruitment: A Crisis for Law Enforcement*, supra, p. 3.)

This bill would assist with expanding the eligible pool of applicants by allowing noncitizens to apply to be peace officers.

- 5) **Argument in Support:** According to the *University of California*, the sponsor of this bill, "The University is sponsoring this bill because of our experience with students who have participated in Cadet Programs with our campus police departments. In 2018, one top cadet was tentatively offered a position with the UC Davis Police Department, but was not eligible due to his undocumented status. Every year the University has outstanding cadets like this it cannot hire; SB 960 will remove this barrier for those seeking to serve their communities as qualified police officers.

"Current law requires peace officers in California to meet several standards, including being either a citizen of the United States or a permanent resident who is eligible and has applied

for citizenship. This requirement is grounded in outdated thinking and serves no *bona fide* law enforcement purpose. Few other states still have statutory citizenship requirements for law enforcement and there are many examples of undocumented residents serving as sworn peace officers across the nation.

“In recent years, California has opened many career pathways for undocumented and immigrant residents, who may pay in-state tuition (AB 540, 2001) at UC, California State University, and the Community Colleges or be issued drivers licenses (AB 60, 2013). They are eligible to serve as lawyers (AB 1024, 2013), practice medicine, and to receive professional licenses from the 43 boards and bureaus under the Department of Consumer Affairs (SB 1159, 2016).

“SB 960 would add to those a pathway to serve in law enforcement. The bill would not degrade any of the standards for law enforcement officers; they must still meet stringent professional standards that all other officers must.

“SB 960 will provide all qualified individuals in California the opportunity to serve as peace officers in the cities and communities where they were raised, educated and live.”

- 6) **Argument in Opposition:** According to the *Peace Officers' Research Association of California*, “Although we understand the author’s intent with the bill, we have serious concerns that if SB 960 became law, non-United States citizens, who become peace officers, would have access to highly confidential information. Although these individuals will go through peace officer training, they will not have taken an oath of allegiance to the country to support and defend the U.S. Constitution and the laws of the United States. Furthermore, it is critical for the safety of the public and fellow officers that substantial vetting needs to occur prior to any peace officer appointment. If a person is not a citizen of the United States, how does an agency secure a proper background check on an individual?”
- 7) **Related Legislation:** AB 2229 (L. Rivas), reenacts the requirement that peace officers be found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of their powers, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation. AB 2229 is pending in the Senate Public Safety Committee.
- 8) **Prior Legislation:**
 - a) AB 89 (Jones-Sawyer), Chapter 405, Statutes of 2021, requires all peace officers employed by agencies that participate in the POST program, who are not employed in or enrolled in academy for that position as of 2024, to be at least age 21 and meet specified education requirements.
 - b) SB 2 (Bradford), Chapter 409, Statutes of 2021, in pertinent part, created a process to investigate and determine the fitness of a person to be a peace officer and established a peace officer decertification process.
 - c) AB 846 (Burke), Chapter 322, Statutes of 2020, required that evaluations of peace officers include an evaluation of bias against race or ethnicity, gender, nationality,

religion, disability, or sexual orientation.

REGISTERED SUPPORT / OPPOSITION:

Support

University of California (Sponsor)
California Police Chiefs Association
California Public Defenders Association
California School Employees Association
City of Hermosa Beach
City of Long Beach
City of Oakland

Opposition

California Statewide Law Enforcement Association
County of Kern
Peace Officers Research Association of California (PORAC)
Riverside County Sheriff's Office

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