

**ASSEMBLY BILL**

**No. 2631**

---

---

**Introduced by Assembly Member Logue**

February 19, 2010

---

---

An act to add Section 653.65 to the Penal Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

AB 2631, as introduced, Logue. Law enforcement: communication with federal immigration authorities.

Under existing federal law, no state or local government entity or official may prohibit any government entity or official from sending federal authorities information regarding the citizenship or immigration status of any individual.

This bill would declare that any ordinance or policy of a city, county, city and county, or law enforcement agency that prevents or limits a law enforcement agency, or an employee of a law enforcement agency, from notifying federal authorities that a person may be within the country illegally is void and not of any force or effect. This bill would allow a resident of the local jurisdiction to apply for a writ of mandate to compel the entity to comply with these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 653.65 is added to the Penal Code, to  
2 read:

1 653.65. (a) An ordinance, policy, legislative or administrative  
2 action, or any other action, of or by a city, county, city and county,  
3 or law enforcement agency, that would prevent or limit a law  
4 enforcement agency, or would prevent or limit any employee of  
5 any law enforcement agency, from notifying the appropriate agency  
6 of the United States having charge of deportation matters, that a  
7 person, including a juvenile, within the jurisdiction of the law  
8 enforcement agency is or may be within the country illegally, is  
9 void and shall not be of any force or effect.

10 (b) A person residing in a city, county, or city and county who  
11 has reason to believe that the city, county, city and county, or law  
12 enforcement agency having jurisdiction in the city, county, or city  
13 and county is enforcing a policy in violation of this section may  
14 apply for a writ of mandate pursuant to Section 1085 of the Code  
15 of Civil Procedure to compel the city, county, city and county, or  
16 law enforcement agency to comply with this section.

17 (c) If the court grants the application for the writ of mandate, a  
18 city, county, city and county, or law enforcement agency subject  
19 to the writ shall be given between 90 and 120 calender days from  
20 the date of the issuance of the writ to comply. If after 120 days,  
21 the city, county, city and county, or law enforcement agency has  
22 not complied with the writ, the court may impose sanctions in an  
23 amount necessary to enforce compliance.