

ASSEMBLY BILL

No. 1993

Introduced by Assembly Member Ma

February 23, 2012

An act to amend Section 834b of the Penal Code, relating to arrests.

LEGISLATIVE COUNSEL'S DIGEST

AB 1993, as introduced, Ma. Arrests: immigration status.

Existing law generally governs the conditions of arrest for a criminal offense. Under existing law, when a law enforcement agency arrests an individual who it suspects is in the United States in violation of federal immigration laws, the agency is required to attempt to verify the person's legal status, notify that person if he or she is in the United States without legal status and that he or she is required to obtain legal status or leave the country, and notify the Attorney General of California and United States Immigration and Customs Enforcement of the person's apparent illegal status.

This bill would make technical, nonsubstantive changes to this provision.

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 834b of the Penal Code is amended to
2 read:
3 834b. (a) Every law enforcement agency in California shall
4 fully cooperate with ~~the United States Immigration and~~
5 ~~Naturalization Service~~ *Immigration and Customs Enforcement*

1 regarding any person who is arrested if he or she is suspected of
2 being present in the United States in violation of federal
3 immigration laws.

4 (b) With respect to any ~~such~~ person who is arrested, and
5 suspected of being present in the United States in violation of
6 federal immigration laws, every law enforcement agency shall do
7 the following:

8 (1) Attempt to verify the legal status of ~~such~~ *the* person as a
9 citizen of the United States, an alien lawfully admitted as a
10 permanent resident, an alien lawfully admitted for a temporary
11 period of time or as an alien who is present in the United States in
12 violation of immigration laws. The verification process may
13 include, but shall not be limited to, questioning the person
14 regarding his or her date and place of birth, and entry into the
15 United States, and demanding documentation to indicate his or
16 her legal status.

17 (2) Notify the person of his or her apparent status as an alien
18 who is present in the United States in violation of federal
19 immigration laws and inform him or her that, apart from any
20 criminal justice proceedings, he or she must either obtain legal
21 status or leave the United States.

22 (3) Notify the Attorney General of California and ~~the United~~
23 ~~States Immigration and Naturalization Service~~ *Immigration and*
24 *Customs Enforcement* of the *person's* apparent illegal status and
25 provide any additional information that may be requested by any
26 other public entity.

27 (c) Any legislative, administrative, or other action by a city,
28 county, or other legally authorized local governmental entity with
29 jurisdictional boundaries, or by a law enforcement agency, to
30 prevent or limit the cooperation required by subdivision (a) is
31 expressly prohibited.