

**Introduced by Senators Runner and Huff**  
**(Coauthors: Senators Anderson, Bates, Berryhill, Fuller, Gaines,**  
**Galgiani, Moorlach, Nguyen, Nielsen, Stone, and Vidak)**

February 16, 2016

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An act to add Section 7283 to the Government Code, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1077, as introduced, Runner. Law enforcement: immigration: felons.

Existing law provides that a law enforcement official has discretion to cooperate with federal immigration officials by detaining an individual on the basis of an immigration hold after that individual becomes eligible for release from custody only if the continued detention of the individual on the basis of the immigration hold would not violate any federal, state, or local law, or any local policy, and only under other specified circumstances.

This bill would prohibit a local law enforcement agency from taking custody of a previously convicted felon who is being detained or incarcerated by another law enforcement agency if the felon is scheduled for deportation or transfer to federal authorities for deportation proceedings unless there is an outstanding felony warrant, and the agency has confirmed that the prosecutorial authority with jurisdiction to prosecute the felony has a current intent to prosecute that felony.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . 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 7283 is added to the Government Code,  
2 to read:

3     7283. Notwithstanding any other law, a local agency shall not  
4 take custody of a previously convicted felon who is being detained  
5 or incarcerated by another law enforcement agency if the felon is  
6 scheduled for deportation or transfer to federal authorities for  
7 deportation proceedings unless both of the following apply:

8     (a) The local law enforcement agency has an outstanding warrant  
9 alleging that the subject felon committed a criminal offense that  
10 constitutes a felony under current California law.

11     (b) The local law enforcement agency has confirmed that the  
12 prosecutorial authority with jurisdiction to prosecute the felony  
13 has a current intent to prosecute that felony.

14     SEC. 2. This act is an urgency statute necessary for the  
15 immediate preservation of the public peace, health, or safety within  
16 the meaning of Article IV of the Constitution and shall go into  
17 immediate effect. The facts constituting the necessity are:

18     In order to ensure appropriate coordination as soon as possible  
19 between local agencies and the federal government when persons  
20 subject to prosecution are scheduled for deportation proceedings,  
21 and in order to protect the public safety, it is necessary for this  
22 measure to take effect immediately.