SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No:	SB 805	**Hearing Date:**	September 11, 2025
Author:	Pérez		
Version:	September 5, 2025		
Urgency:	Yes	**Fiscal:**	Yes
Consultant:	SU		

Subject: ***Crimes.***

HISTORY

Source: California Faculty Association, Coalition for Humane Immigrant Rights, and Mexican American Legal Defense & Educational Fund

Prior Legislation: AB 1899 (Mathis), Ch. 954, Stats. of 2022
SB 194 (Nielsen), failed in Senate Committee on Public Safety, 2019
SB 1271 (Nielsen), failed in Senate Committee on Public Safety, 2018
AB 1920 (Grayson), Ch. 252, Stats. of 2018
AB 3260 (W. Brown), Ch. 438, Stats. 1984

Support: Alameda County United for Immigrant Rights; Alameda Labor Council; Alliance of California for Community Empowerment; California Academy of Child and Adolescent; California Alliance for Youth and Community Justice; California Church Impact; California Civil Liberties Advocacy; California Coalition for Sheriff Oversight; California Democratic Party; California Faculty Association; California Federation of Labor Unions, AFL-CIO; California Schools Association; California-Hawaii State Conference of the NAACP; Californians for Safety and Justice; Centro Legal De la Raza; CFT-A Union of Educators & Classified Professionals, AFT, AFL-CIO; City of Costa Mesa; City of Culver City; City of Encinitas; City of Monterey Park; City of Paramount; City of Pasadena; City of Solana Beach; City of Soledad; City of West Hollywood; Coalition for Humane Immigrant Rights; County of Los Angeles Board of Supervisors; County of Santa Barbara; Courage California; Culver City Democratic Party; Democratic Party of the San Fernando Valley; Eden United Church of Christ; Fair Chance Project; Faith in Action East Bay; Felony Murder Elimination Project; Filipino Advocates for Justice; Friends Committee on Legislation of California; Hijas Del Campo; Indivisible CA StateStrong; Indivisible Westside Los Angeles; Initiate Justice Action; Jewish Community Relations Council of Sacramento; Justice2jobs Coalition; Kipp Socal Public School; LA Defensa; Latino Community Foundation; LA County Public Defenders Union, Local 148; Los Angeles County Democratic Party; Mexican American Legal Defense and Educational Fund; National Union of Healthcare Workers; North Bay Jobs with Justice; North Westwood Neighborhood Council; Oakland Privacy; Orange County Board of Supervisors - Supervisor Vincente Sarmiento; Peace Officers Research Association of California; Rubicon Programs; San Francisco Labor Council; San Francisco Office of the Assessor-Recorder; San Mateo Labor Council; Santa Barbara Women's Political

Committee; Santa Monica Democratic Club; Service Employees International Union, Local 1000; Showing Up for Racial Justice San Francisco; Sikh American Legal Defense and Education Fund; Silicon Valley De-Bug; Sister Warriors Freedom Coalition; Smart Justice California; South Bay AFL-CIO Labor Council; Swing Left Inland Valley; The W. Haywood Burns Institute; UFCW-Western State Council; United Domestic Workers/AFSCME Local 3930; UPTE-CWA 9119; Valor US; Viet Voices

Opposition: Arcadia Police Officers' Association; Brea Police Association; Burbank Police Officers' Association; California Association of School Police Chiefs; California Coalition of School Safety Professionals; California Narcotic Officers' Association; California Reserve Peace Officers Association; Claremont Police Officers Association; Corona Police Officers Association; Culver City Police Officers' Association; Fullerton Police Officers' Association; Los Angeles School Police Management Association; Los Angeles School Police Officers Association; Murrieta Police Officers' Association; Newport Beach Police Association; Palos Verdes Police Officers Association; Placer County Deputy Sheriffs' Association; Pomona Police Officers' Association; Riverside Police Officers Association; Riverside Sheriffs' Association; San Bernardino County Sheriff's Department

Assembly Floor Vote: 60 - 15

PURPOSE

The purpose of this bill is to require law enforcement agencies to adopt policies on visible display of identification; to require specified law enforcement officers operating in California who are not uniformed to visibly display identification that includes either a name or badge number to the public when performing their duties; and to expand the crime of false personation of a peace officer.

Existing federal law provides that the U.S. Constitution, and the laws of the United States, are the supreme law of the land. (U.S. Const., art. VI, cl. 2.)

Existing federal law provides that the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people, and prohibits the federal government from "conscripting" the states to enforce federal regulatory programs. (U.S. Const. Amend 10.)

Existing federal law requires designated immigration officers, at the time of arrest, and as soon as it is practical and safe to do so, to identify themselves as an immigration officer who is authorized to execute an arrest and state that the person is under arrest and the reason for the arrest. (8 C.F.R. § 287.8 (c)(2)(iii).)

Existing law requires a peace officer to wear a badge, nameplate, or other device that clearly bears the identification number or name of the officer. Peace officers include police officers, county sheriffs, certain superior court marshals and California Highway Patrol officers, and other specified officers. (Pen. Code, § 830.10.)

Existing law makes it a misdemeanor to wear a mask, false whiskers, or any personal disguise, complete or partial, for the purpose of evading or escaping discovery, recognition, or identification while committing a public offense, or for concealment, flight, or escape from arrest or conviction for any public offense. (Pen. Code, § 185.)

Existing law provides that any person who willfully and credibly impersonates a peace officer through or on an internet website, or by other electronic means for purposes of defrauding another is guilty of a misdemeanor. (Pen. Code, § 538d, subd. (a).)

Existing law provides that any person other than one who by law is given the authority of a peace officer, who willfully wears, exhibits, or uses the authorized badge, uniform, insignia, emblem, device, label, certificate, card, or writing, of a peace officer, with the intent of fraudulently impersonating a peace officer, or of fraudulently inducing the belief that he or she is a peace officer, is guilty of a misdemeanor. (Pen. Code, § 538d, subd. (b).)

Existing law provides that any person who willfully and credibly impersonates an officer or member of a fire department through or on an internet website, or by other electronic means for purposes of defrauding another is guilty of a misdemeanor. (Pen. Code, § 538e, subd. (a).)

Existing law provides that any person, other than an officer or member of a fire department, who willfully wears, exhibits, or uses the authorized badge, uniform, insignia, emblem, device, label, certificate, card, or writing of an officer or member of a fire department or a deputy state fire marshal, with the intent of fraudulently impersonating such a person, or of fraudulently inducing the belief that they an officer or member of a fire department or the Office of the State Fire Marshal, is guilty of a misdemeanor. (Pen. Code, § 538e, subd. (b).)

Existing law provides that any person, other than an employee of a public utility or district, as specified, who willfully presents themselves to a utility or district customer with the intent of fraudulently personating an employee of a public utility or district, or of fraudulently inducing the belief that they are an employee of a public utility or district, or who willfully and credibly impersonates a public utility employee through or on an internet website, or by other electronic means for purposes of defrauding another is guilty of a misdemeanor. (Pen. Code, § 538f.)

Existing law provides that any person, other than a state, county, city, special district, or city and county officer or employee, who willfully wears, exhibits, or uses the authorized badge, photographic identification card, or insignia of such an officer or employee, with the intent of fraudulently impersonating an officer or employee, or of fraudulently inducing the belief that they are a state, county, city, special district, or city and county officer or employee, or who willfully and credibly impersonates such a person or on an internet website, or by other electronic means for purposes of defrauding another is guilty of a misdemeanor. (Pen. Code, § 538g.)

Existing law provides that any person, other than an officer or member of a search and rescue unit or team, who willfully wears, exhibits, or uses the authorized badge, uniform, insignia, emblem, device, label, certificate, card, or writing of member of a search and rescue unit or team, with the intent of fraudulently impersonating such a person, or of fraudulently inducing the belief that they are an officer or member of a search and rescue unit or team, or uses the same to obtain aid, money, or assistance within this state, or who willfully and credibly impersonates such a person or on an internet website, or by other electronic means for purposes of defrauding another is guilty of a misdemeanor. (Pen. Code, § 538h.)

Existing law requires the licensure of bail companies by the California Department of Insurance, and provides for the regulation of such licensees. (Ins. Code, §§ 1800 – 1823.)

Existing law provides that no person, other than a certified law enforcement officer, shall be authorized to apprehend, detain, or arrest a bail fugitive unless that person: 1) is a bail agent, bail permittee, or bail solicitor who is also a bail fugitive recovery agent; 2) a bail fugitive recovery agent; or 3) a licensed private investigator, as specified, who is also a bail fugitive recovery agent. (Pen. Code, § 1299.02, subd. (a).)

Existing law defines "bail fugitive recovery person" as a person who is provided written authorization, as specified, by the bail or depositor of bail, and is contracted to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate court jail, or police department, and any person who is employed to assist a bail or depositor of bail to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate court, jail, or police department. (Pen. Code, § 1299.01, subd. (d).)

Existing law requires a bail fugitive recovery agent, bail agent, bail permittee, or bail solicitor who contracts their services to another bail agent or surety as a bail fugitive recovery agent to comply with specified licensing requirements. (Pen. Code, § 1299.04.)

Existing law requires a person authorized to apprehend a bail fugitive, in performing such apprehension, to comply with all laws applicable to that apprehension. (Pen. Code, § 1299.05.)

Existing law prohibits an individual authorized to apprehend a bail fugitive from:

- Representing themselves in any manner as being a sworn law enforcement officer;
- Wearing any uniform that represents themselves as belonging to any part or department of a federal, state, or local government, and any uniform may not display the words United States, Bureau, Task Force, Federal, or other substantially similar words that a reasonable person may mistake for a government agency.
- Wearing or otherwise using a badge that represents themselves as belonging to any part or department of the federal, state, or local government.
- Using a fictitious name that represents themselves as belonging to any federal, state, or local government. (Pen. Code, § 1299.07, subds. (a)-(d).)

This bill requires a law enforcement agency operating in California to maintain and publicly post a written policy on the visible identification of sworn personnel by January 1, 2026. The policy must include:

- A purpose statement affirming the agency's commitment to transparency, accountability and public trust, as well as restricting situations in which sworn personnel do not visibly display identification to specific, clearly defined, and limited circumstances.
- A requirement that all sworn personnel visibly display identification that includes their agency and either a name or badge number, or both, when performing "enforcement duties."
- A list of narrowly tailored exemptions for the following:
    - Officers engaged in active undercover operations or investigative activities;
    - An officer engaged in plainclothes operations who is employed by specified state agencies and departments, or the federal equivalent of those agencies;

- Officers wearing personal protective equipment that prevents display;
- Exigent circumstances involving an imminent danger to persons or property, or escape of a perpetrator, or the destruction of evidence; and,
- When there is a specific, articulable, and particularized reason to believe identification would pose a significant danger to the physical safety of the peace officer.

This bill defines the follow terms for purposes of this requirement:

- "Enforcement duties" means "active and planned operations involving the arrest or detention of an individual, or deployment for crowd control purposes."
- "Law enforcement agency" means: any agency, department, or entity of the state or a political subdivision of the state that employs peace officers, any law enforcement agency from another state; and any federal law enforcement agency.
- "Visibly display identification" means "to wear externally on the uniform in a size and location such as to be reasonably visible to member of the public with whom the officer interacts."

This bill deems a policy adopted pursuant to these provisions consistent with the requirement that law enforcement officers visibly display identification when performing their enforcement duties, unless a verified written challenge to its legality is submitted to the head of the agency by a member of the public, an oversight body, or a local governing authority, at which time the agency shall be afforded 90 days to correct any deficiencies in the policy.

This bill expands the crime of false impersonation of a peace officer to include all law enforcement officers - not just peace officers, and expands the conduct covered by the statute to include false personation committed by *any* means.

This bill defines "law enforcement officer" for purposes of false personation to include not only specified peace officers under California law, but also any federal law enforcement officer.

This bill expands the crimes of false impersonation of fire department personnel, public utility workers, state, county or city employees, and search and rescue personnel on an internet website or by other electronic means, to include willful and credible impersonations of such persons by *any* means.

This bill prohibits an individual authorized to apprehend a bail fugitive, an authority given to bail fugitive recovery agents, as defined, or a bail agent, bail permittee, bail solicitor, or licensed private investigator who also a bail fugitive recovery agent, from using that position for the purposes of "immigration enforcement" except pursuant to a valid judicial warrant or court order.

This bill prohibits an individual authorized to apprehend a bail fugitive from disclosing verbally, in writing, or in any other manner, personally identifiable information of any bail fugitive that is requested for purposes of immigration enforcement, except pursuant to a valid judicial warrant or court order.

This bill defines "immigration enforcement" for purposes of these provisions as including "any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal

civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in, the United States."

This bill specifies that the above prohibitions do 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 any individual, or maintaining or exchanging that information with any other federal, state, or local governmental entity, pursuant to specified federal law.

This bill authorizes a California peace officer to request an alleged law enforcement officer to present identification when there is probable cause or reasonable suspicion to believe the officer committed a crime, including, but not limited to, impersonating a peace officer. For purposes of these provisions, "law enforcement officer" includes any federal law enforcement officer.

This bill requires a law enforcement officer operating in California that is not uniformed, and therefore is not required to clearly display identification, to visibly display identification that includes their agency and either a name or badge number or both name and badge number when performing their enforcement duties, unless expressly exempt.

This bill makes a willful and knowing violation of this requirement a misdemeanor.

This bill exempts the following from the identification requirement:

- An officer engaged in active undercover operation or investigative duties;
- An officer engaged in plainclothes operations who is employed by specified state agencies and departments, or the federal equivalent of those agencies;
- An officer assigned to Special Weapons and Tactics (SWAT) units and actively performing their SWAT responsibilities;
- An officer wearing personal protective equipment that physically prevents the display of identification;
- An officer engaged in protective operations involving elected officials, judicial officers, or other designated dignitaries where the display of identification would compromise the safety, anonymity, or tactical effectiveness of the protective detail; and,
- In exigent circumstances, involving an imminent danger to persons or property, the escape of a perpetrator, or the destruction of evidence.

This bill defines "law enforcement officer" for purposes of this requirement to include any federal law enforcement officer as well as California peace officers.

This bill states that its criminal penalties do not apply to any law enforcement agency, or its personnel, if that agency maintains and publicly posts a written policy on the visible identification of sworn personnel.

This bill makes the identification requirement pertaining to officers who are not in uniform and the criminal penalty operative on January 1, 2026.

This bill contains a severability clause.

This bill contains an urgency clause.

This bill includes findings and declarations regarding the need to establish identification requirements for law enforcement due to federal immigration agents using face coverings and not consistently displaying identification while in performance of their duties.

COMMENTS

1. Need for This Bill

According to the author:

> We are facing an extraordinary moment in California. Masked individuals with no name identification, no uniforms, driving unmarked vehicles, and carrying firearms are taking our neighbors – both immigrants and American citizens – in broad daylight. When asked by members of the public to provide badge numbers, they refuse. We assume they are federal agents from Homeland Security or ICE. However, unless these individuals provide proper identification, we simply do not know.
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> When we receive reports of these individuals using excessive force without identification, there is no way to ensure oversight or accountability. Across the country, there have also been reports of criminals impersonating ICE officers, using threats and intimidation to target vulnerable communities. When immigration enforcement officers fail to identify themselves, they create opportunities for vigilantes to target our communities. This lack of transparency fosters confusion, fear, and mistrust in communities across the state.
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> SB 805, the No Vigilantes Act, will expand the scope of existing impersonation laws, and require law enforcement operating in California to display identification featuring their name or badge number. It will also authorize law enforcement to request identification from anyone claiming to be an officer if there is reasonable suspicion of criminal activity, such as impersonating a peace officer, kidnapping, or when there is a legitimate safety concern. Additionally, it will prohibit bounty hunters from engaging in any form of immigration enforcement.
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> This is a common-sense proposal to prevent impersonating law enforcement officers, while ensuring basic oversight and accountability during enforcement actions.

2. Recent Immigration Enforcement Tactics

President Trump vowed to carry out the largest deportation program during his second term as President. On January 20, 2025, the President issued an order titled "Protecting the American People Against Invasion." The order states that "[i]t is the policy of the United States to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people. Further, it is the policy of the United States to achieve the total and efficient enforcement of those laws, including through lawful incentives and detention capabilities."

(https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/ [as of Sept. 9, 2025].) On January 25, 2025, ICE field offices were told that each office must detain at least 75 noncitizens every day, or more than 1,800 per day nationwide. (See Washington Post, *Trump Officials Issue Quotas to ICE Officers to Ramp up Arrests*, January 26, 2025, https://www.washingtonpost.com/immigration/2025/01/26/ice-arrests-raids-trump-quota/ [as of Sept. 9, 2025].)

There have been numerous accounts of immigration raids being conducted by masked, non-uniformed, plain-clothed immigration officers, at times driving unmarked vehicles. This is arguably contrary to Department of Homeland Security (DHS) regulations requiring agents to properly identify themselves. At the time of an arrest, DHS regulations state that an immigration officer "shall, as soon as it is practical and safe to do so: (A) Identify himself or herself as an immigration officer who is authorized to execute an arrest, and (B) State that the person is under arrest and the reason for the arrest." (https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-287/section-287.8#p-287.8(c) [as of Sept. 9, 2025].) It has also created confusion for persons subject to such tactics, who have no way of knowing if the person is an agent acting under color of authority, or a criminal committing a kidnapping. For example, the Los Angeles Police Department has received calls from concerned citizens about potential kidnapping, but they were actually immigration arrests. (Jany, *Kidnappers or ICE agents? LAPD grapples with surge in calls from concerned citizens*, Los Angeles Times (July 3, 2025), available at: https://www.latimes.com/california/story/2025-07-03/los-angeles-police-immigration-kidnappings [as of Sept. 9, 2025].)

The prevalence of immigration agents who are not uniformed and not readily identifiable has also led to impersonation of immigration agents by civilians for purposes of harassing immigrants. For example, earlier this year, the Los Angeles Unified School District reported three incidents of individuals impersonating ICE agents. (Medina et al., *Ice Impersonators Target Lausd Community, Sparking Fear and Protests*, NBC Los Angeles, NBC Southern California (Feb. 7, 2025), available at: www.nbclosangeles.com/news/local/ice-impersonators-target-lausd-community/3626973/ [as of Sept. 9, 2025].) Similar conduct has been reported nationwide.

It is against this backdrop that this bill seeks to strengthen laws pertaining to law enforcement identification and impersonation of peace officers.

3. Provisions on Law Enforcement Visibly Displaying Identification

This bill requires law enforcement agencies operating in California to establish and publicly post a written policy on the visible display of identification by their sworn personnel. Law enforcement agencies would have until January 1, 2026 to comply. Specifically, this requirement applies to state and local California law enforcement agencies, federal law enforcement agencies, and law enforcement agencies from other states. The policy must include among other things: a statement affirming commitment to transparency, accountability, and public trust; a requirement that all sworn peace officers visibly display identification when performing enforcement duties, and specified narrowly-tailored exceptions. Of note, one of these exceptions is an exemption for officers from specified state agencies and departments engaged in plain-clothes operations.

This bill also makes it a misdemeanor for a law enforcement officer operating in California who is not wearing a uniform to willfully and knowingly fail to visibly display identification that includes their agency and either a name, or badge number, or both, when performing their

enforcement duties. However, this bill provides that if the agency employing the law enforcement officer who violates these conditions has a policy in place addressing the visible display of identification, the criminal sanction would not apply. Again there is an exemption from these provisions for officers from specified state agencies when they are engaged in plainclothes operations. Oddly, this provision does not include law enforcement officers from other states even though the policy requirement applies to them. Given these exemptions, it seems this provision mostly applies to local law enforcement and to federal law enforcement.

Because this bill imposes an obligation on federal law enforcement agencies operating in California, both in regard to the policy requirement and to requirement to visibly display identification when performing their duties when not in uniform, this bill raises the question of to what extent the State can regulate the conduct of federal law enforcement officers. Specifically, these provisions raises questions of constitutionality with regard to principles of federal preemption and intergovernmental immunity.

The Supremacy Clause states that the Laws of the United States shall be the supreme Law of the Land. (U.S. Const., art. VI, cl. 2.) The Supreme Court has interpreted the Supremacy Clause as prohibiting States from interfering with or controlling the operations of the federal government. (*Geo Grp., Inc. v. Newsom* (9th Cir. 2022) 50 F.4th 745, 754 (citations omitted).)

The doctrine of intergovernmental immunity is derived from the Supremacy Clause. Intergovernmental immunity demands that "the activities of the Federal Government are free from regulation by any state." (*United States v. California* (9th Cir. 2019) 921 F.3d 865, 879, citations omitted.) This makes a state regulation invalid if it "regulates the United States directly or discriminates against the Federal Government or those with whom it deals." (*N.D. v. United States* (1990) 495 U.S. 423, 435; *Boeing Co. v. Movassaghi* (9th Cir. 2014) 768 F.3d 832, 839.) "'A state or local law discriminates against the federal government if it treats someone else better than it treats the government.'" (*Boeing*, *supra*, 768 F.3d at p. 842, quoting *United States v. City of Arcata* (9th Cir. 2010) 629 F.3d 986, 991.) And yet, generally-applicable state laws can apply to federal entities. (*Johnson v. Maryland* (1920) 254 U.S. 51, 56.)

A related doctrine is federal preemption. There are two types of preemption, express preemption and implied preemption. Express preemption occurs when the federal government expressly regulates the field. Federal law can also impliedly preempt state law when its structure and purpose implicitly reflect the intent of Congress to preempt the field. There are two subsets of implied preemption, field and conflict preemptions. Under conflict preemption, state laws that conflict with federal law are preempted. (*U.S. v. California*, *supra*, 921 F.3d at pp. 878-879.) "This includes cases where compliance with both federal and state regulations is a physical impossibility, and those instances where the challenged state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." (*Arizona v. United States* (2012) 567 U.S. 387, 399.)

Here, requiring federal law enforcement officers who are not in uniform to wear visible identification while operating in California, a violation of which is potentially subject to criminal punishment, may be considered to directly regulate federal officers and to conflict with the federal regulations that immigration officers simply identify themselves at the time of arrest. Moreover, given that plain-clothes officers working for many state agencies are expressly exempt from this requirement and that law enforcement officers from other states are not specifically included, these exclusions may support the argument that it is not a law of general applicability.

Notably, this bill has a severability clause. Therefore, if application to federal officers is found to be unconstitutional, its provisions would still apply to local law enforcement and the remaining state agencies that have not been excluded.

4. False Personation Provisions

Several provisions of the Penal Code prohibit the fraudulent impersonation or attempted impersonation of peace officers and other public officers and employees. These provisions proscribe willfully wearing, exhibiting, or using the authorized badge, uniform, insignia, emblem, device, label, certificate, card, or writing of those officers and employees to commit the fraudulent impersonation. (See Pen. Code, §§ 538d-538h.) Current law also prohibits the false impersonation of a peace officer, firefighter, public utility employee, state or local government agency employee or officer, and a member of a search and rescue team via an internet website, or by other electronic means for purposes of defrauding another. (See Pen. Code, §§ 538d-538h.)

This bill prohibits the false personation of these same individuals by *any* other means, rather than only those impersonations that take place on an internet website or by other electronic means. One such example might be through communication sent via the postal service.

In addition, with regards to false personation of a peace officer, this bill expands the crime to cover not just false personation of peace officers, but to "law enforcement officers" which this bill defines as including California peace officers and any federal law enforcement officer. The inclusion of federal law enforcement officers is to address the recent reports of civilians impersonating immigration agents to harass noncitizens.

5. Bail Agent Provisions

A bail fugitive recovery agent is authorized to investigate, surveil, locate, and arrest a defendant in a pending *criminal* case whose bond has been forfeited or who otherwise has violated a bond condition, for surrender to the appropriate court, jail, or police department. (Pen. Code, § 1299.01, subd. (a)(1); Ins. Code, § 1802.3, subd. (a).) Additionally, a bail fugitive recovery agent's license only permits the licensee to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate court, jail, or police department. Enforcing federal immigration law is beyond the scope of their authority. (Pen. Code, § 1299.01, subd. (a)(4); Ins. Code, § 1802.3, subd. (a).)

This bill prohibits an individual authorized to apprehend a bail fugitive, an authority given to bail fugitive recovery agents from using that position for the purposes of "immigration enforcement" except pursuant to a valid judicial warrant or court order. Arguably, based on the above provisions of law, this is already prohibited.

This bill also prohibits an individual authorized to apprehend a bail fugitive from disclosing verbally, in writing, or in any other manner, personally identifiable information of any bail fugitive that is requested for purposes of immigration enforcement, except pursuant to a valid judicial warrant or court order.

6. Argument in Support

According to the California Faculty Association, a co-sponsor of this bill:

> Recent immigration enforcement activities by the United States Immigration and Customs Enforcement (ICE) agency have caused widespread fear and confusion in our communities, particularly when officers appear in sensitive locations such as schools and churches, often masked and lacking clear identification. The lack of transparency in these encounters has resulted in growing concerns among community members and local officials who do not know with certainty who is responsible for incidents resembling kidnappings and the use of excessive force, which makes accountability impossible.
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> Multiple news reports have exposed individuals impersonating ICE officers to harass or detain others, eroding public trust and endangering vulnerable communities. In Los Angeles, an individual posing as an ICE agent tried to stop a school bus, but the driver followed protocol and drove off. Other impersonation cases include the kidnapping and unlawful detention of a group of Latino men, individuals posing as ICE agents on a college campus, and a sexual assault involving threats of deportation by someone impersonating an ICE officer. These incidents are made worse by reports that bounty hunters are being recruited to target undocumented immigrants, raising serious safety concerns.
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> SB 805 takes important steps to address these concerns by requiring law enforcement personnel to display proper identification and authorizing them to request identification from anyone claiming to be a law enforcement officer if there is reasonable suspicion of criminal activity or a safety concern. It also prohibits bail agents from engaging in immigration enforcement and expands laws against impersonation of police and other public officials.

7. Argument in Opposition

According to the San Bernardino County Sheriff's Department:

> SB 805 is both redundant is misdirected. California Penal Code Section 830.10 currently requires every uniformed peace officer to wear a badge, nameplate, or other devise that clearly displays their name or identification number. This longstanding provision already ensures that the public can readily identify officers in uniform, while also preserving operational flexibility in high risk or special assignments. SB 805 adds no meaningful accountability mechanism and instead imposes new legal liabilities and operational risk on officers performing already dangerous work….
>
> SB 805 does not solve a problem rooted in California law enforcement conduct. It risks confusing the public by suggesting local agencies are not already subject to strict identification and impersonation laws, while unfairly tying the reputation of our state's peace officers to incidents involving impersonators and federal personnel operating independently of local jurisdictions.

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