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California State Senate

SENATOR
PATRICIA C. BATES
SENATE REPUBLICAN LEADER
THIRTY-SIXTH SENATE DISTRICT



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ON EMERGENCY MANAGEMENT

September 22, 2017

The Honorable Jerry Brown
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Recommended Veto of SB 54 (de León)

Dear Governor Brown:

I respectfully write to request your veto of Senate Bill 54 (de León), which prohibits state and local law enforcement agencies from using funding or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes.

I understand the author's concerns regarding federal policies and the fear that is present in some immigrant communities. However, this measure will not solve those problems. Instead it serves only to create an unnecessary and confrontational relationship between the state and the federal government. Under its provisions, state law enforcement agencies would be prohibited from notifying federal authorities pending release of certain wanted, undocumented criminals even when they have a long history of victimizing the people who reside in this, or other, states. This is completely undesirable, not only because it allows these criminals to continue persecuting our communities resulting in reduced public safety but, by prohibiting this cooperation at local correctional facilities, immigration authorities will be forced into our communities where they will continue to conduct investigations and arrests in undesirable locations such as courts, schools and churches.

In addition, SB 54 is almost certainly preempted by federal law. As held numerous times by courts and as reiterated by the U.S. Supreme Court in *Arizona v. United States*, it is the federal government's job to create and enforce the nation's immigration laws. States are not allowed to regulate conduct or impose their own judgment in a field that Congress has validly determined it must exclusively govern. The federal interest in immigration is so dominant that it can be reasonably inferred that Congress intends to exclusively

govern information-sharing as it pertains to immigration matters. The federal government does not deport every unlawfully present person. Instead, it uses the available information it has about a person to make a case-by-case determination on whether or not that person should be removed.

By its own provisions, SB 54 restricts law enforcement from volunteering information, sharing information, or responding to requests for information with the federal government, except in specified circumstances. As the Orange County Sheriff most notably stated, "Even with the amendments, the bill continues to restrict the ability of local law enforcement to communicate with federal law enforcement authorities. Specifically, the bill does not allow for notification to federal authorities, at their request, of the pending release of certain wanted, undocumented criminals – including, but not limited to, repeat drunken drivers, misdemeanor hit-and-run drivers, those who assault peace officers, serial thieves, animal abusers, chronic abusers of dangerous drugs such as methamphetamine and heroin, and known criminal gang members arrested for most misdemeanor crimes. Local law enforcement does not currently enforce immigration law and has no desire to engage in such activity. However, we must maintain the ability to cooperate with all levels of law enforcement on the removal of violent offenders from our community."

By limiting California law enforcement's ability to cooperate with the federal government and provide them with relevant information, this bill interferes with federal government's ability to make those immigration-related determinations.

For these reasons, I respectfully request your veto.

Sincerely,

A handwritten signature in blue ink, appearing to read "Pat.", written over a circular stamp or mark.

PATRICIA C. BATES
Senate Republican Leader

PB:ec/hw