



# COUNTY OF SAN DIEGO

## INTER-DEPARTMENTAL MEMORANDUM

March 30, 2021

TO: Supervisor Nathan Fletcher, Chair  
Supervisor Nora Vargas, Vice Chair  
Supervisor Joel Anderson  
Supervisor Terra Lawson-Remer  
Supervisor Jim Desmond

FROM: Caroline Smith, Director  
Office of Strategy and Intergovernmental Affairs

**SUPPORT: STATE ASSEMBLY BILL 937 (CARRILLO) IMMIGRATION ENFORCEMENT**

Current law, the California Values Act, prohibits a California law enforcement agency from providing an incarcerated person's release date, or responding to a request for a release date, unless that information is available to the public. Current law also prohibits the transfer of an individual to federal immigration authorities unless the person has been convicted of a specific crime or arrested for a serious or violent felony.

State Assembly Bill 937 (AB 937) would prohibit a state or local agency from arresting or assisting with the arrest, confinement, detention, transfer, interrogation, or deportation of an individual for an immigration enforcement purpose. The bill would additionally prohibit state or local agencies or courts from using a person's immigration status as a factor to deny probation or participation in any diversion, rehabilitation, mental health program, or placement in a credit-earning program or class, or to determine custodial classification level, to deny mandatory supervision, or to lengthen the portion of supervision served in custody. Additionally, the bill would authorize a person to bring an action for equitable or declaratory relief in court against a state or local agency or official that violates the bill's provisions and would make those agencies or officials liable for actual and general damages and reasonable attorney's fees.

According to the Public Policy Institute of California, there are over 170,000 undocumented immigrants living in San Diego County and more than 2 million living in California. In addition, nearly a quarter of the nation's undocumented immigrants live in California, where they constitute more than 6 percent of the state's population. Approximately, 66 percent of undocumented immigrants have lived in the United States 10 years or longer. With the largest undocumented immigrant population in the country, California has an obligation to lead and take action to protect the rights of undocumented immigrants. With passage of AB 937, immigration status would no longer be used to deny an individual probation, pre-trial diversion, or any non-incarceration criminal disposition. This bill would ensure that undocumented immigrants are treated equally, get the services and resources they need and deserve, and would keep undocumented immigrant families and communities together.

Support of this bill is authorized by the Board's approval of the Legislative Program Priority Issues, which calls for the County of San Diego to actively engage in legislation at the state and federal level to ensure such legislation benefits County operations and the clients, customers, and constituents we serve in the area of Equity and Justice.

In accordance with Board Policy M-2, and by copy of this memorandum, I have authorized the County's Sacramento Representatives to convey the County's support of AB 937 to the appropriate members of the Legislature and the Administration.

If I can be of further assistance, please contact me at [REDACTED]

Respectfully,



CAROLINE SMITH  
Director

cc: CAO, ACAO, HHSA, PSG, CNL, CLK, Sacramento Representatives



# COUNTY OF SAN DIEGO

## Legislative Analysis

- Bill Number:** State Assembly Bill 937 (as amended on March 22, 2021)
- Author:** Assembly Member Wendy Carrillo
- Bill Location:** Set for hearing in the Assembly Committee on Public Safety on April 6, 2021
- Current Law:** Existing law, the California Values Act, prohibits a California law enforcement agency from providing an incarcerated person's release date, or responding to a request for a release date, unless that information is available to the public. Existing law also prohibits the transfer of an individual to federal immigration authorities unless the person has been convicted of a specific crime or arrested for a serious or violent felony.
- Proposed Law:** AB 937 would prohibit a state or local agency from arresting or assisting with the arrest, confinement, detention, transfer, interrogation, or deportation of an individual for an immigration enforcement purpose. The bill would additionally prohibit state or local agencies or courts from using a person's immigration status as a factor to deny probation or participation in any diversion, rehabilitation, mental health program, or placement in a credit-earning program or class, or to determine custodial classification level, to deny mandatory supervision, or to lengthen the portion of supervision served in custody. Additionally, the bill would authorize a person to bring an action for equitable or declaratory relief in court against a state or local agency or official that violates the bill's provisions and would make those agencies or officials liable for actual and general damages and reasonable attorney's fees.
- Recommendation:** Support
- Discussion:** According to the Public Policy Institute of California, there are over 170,000 undocumented immigrants living in San Diego County and more than 2 million living in California. In addition, nearly a quarter of the nation's undocumented immigrants live in California, where they constitute more than 6 percent of the state's population. Approximately, 66 percent of undocumented immigrants have lived in the United States 10 years or longer. With the largest undocumented immigrant population in the country, California has an obligation to lead and take action to protect the rights of undocumented immigrants. With passage of AB 937, immigration status would no longer be used to deny an individual probation, pre-trial diversion, or any non-incarceration criminal disposition. This bill would ensure that undocumented immigrants are treated equally, get the services and resources they need and deserve, and would keep undocumented immigrant families and communities together.
- Fiscal Impact:** Unknown at this time.

Supporters: Alliance San Diego, American Friends Service Committee - San Diego, California Immigrant Policy Center, Center for Empowering Refugees and Immigrants, Freedom for Immigrants, Human Rights Watch, Immigrant Legal Resource Center, National Day Laborer Organizing Network, San Diego Immigrant Rights Consortium,

Opponents: Unknown at this time.