



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
May 4, 2021

TOPIC: Assembly Bill 937 (the "VISION Act")

AGENDA TITLE:

Resolution Declaring the City of Santa Ana's Support for Assembly Bill 937 (the "VISION Act")

RECOMMENDED ACTION

Adopt a resolution supporting Assembly Bill 937 (the "VISION Act").

DISCUSSION

At the request of Mayor Sarmiento, the attached resolution (Exhibit 1) is presented for consideration by the City Council.

About Assembly Bill 937 (the "VISION Act")

The resolution, "A Resolution of the Santa Ana City Council Supporting Assembly Bill 937 (the "VISION Act")," declares the City's support for Assembly Bill 937 (AB 937), also referred to as the VISION Act. In summary, AB 937 prohibits state and local law enforcement agencies from cooperating with federal immigration authorities, or assisting in the detention, deportation, or interrogation of an individual by immigration enforcement. Specifically, AB 937 establishes the following:

1. Specifies that a state or local agency shall not arrest or assist with the arrest, confinement, detention, transfer, interrogation, or deportation of an individual for an immigration enforcement purpose in any manner including, but not limited to, by notifying another agency or subcontractor thereof regarding the release date and time of an individual, releasing or transferring an individual into the custody of another agency or subcontractor thereof, or disclosing personal information, as specified, about an individual, including, but not limited to, an individual's date of birth, work address, home address, or parole or probation check in date and time to another agency or subcontractor thereof.

2. States that the prohibition described above shall apply notwithstanding any contrary provisions in the California Values Act, as specified, which allows law enforcement to cooperate with immigration authorities in limited circumstances.
3. Specifies that this bill does not prohibit compliance with a criminal judicial warrant.
4. Prohibits a state or local agency or court from using immigration status as a factor to deny or to recommend denial of 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.
5. Defines the following terms for purposes of this bill:
 - a. "Immigration enforcement" includes "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."
 - b. "State or local agency" includes, but is not limited to, "local and state law enforcement agencies, parole or probation agencies, the Department of Juvenile Justice, and the Department of Corrections and Rehabilitation."
6. Specifies that in addition to any other sanctions, penalties, or remedies provided by law, a person may bring an action for equitable or declaratory relief in a court of competent jurisdiction against a state or local agency or state or local official that violates this section. A state or local agency or official that violates this section is also liable for actual and general damages and reasonable attorney's fees.
7. Repeals statutory provisions directing California Department of Corrections and Rehabilitation (CDCR) to implement and maintain procedures to identify inmates serving terms in state prison who are undocumented aliens subject to deportation.
8. Repeals statutory provisions directing CDCR and California Youth Authority to implement and maintain procedures to identify, within 90 days of assuming custody, inmates who are undocumented felons subject to deportation and refer them to the United States Immigration and Naturalization Service.

9. Repeals statutory provisions directing CDCR to cooperate with the United States Immigration and Naturalization Service by providing the use of prison facilities, transportation, and general support, as needed, for the purposes of conducting and expediting deportation hearings and subsequent placement of deportation holds on undocumented aliens who are incarcerated in state prison.
10. Repeals the statutory directive to include place of birth (state or country) in state or local criminal offender record information systems.
11. States that, to ensure an equitable opportunity for noncarceral, rehabilitative, and diversionary dispositions or custody status to all persons involved in the criminal legal system, irrespective of immigration status, it is the intent of the Legislature to abrogate case law that is inconsistent with this value, including, but not limited to, *People v. Sanchez* (1987) 190 Cal.App.3d 224; *People v. Cisneros* (2000) 84 Cal.App.4th 352; *People v. Espinoza* (2003) 107 Cal.App.4th 1069; *People v. Arce* (2017) 11 Cal.App.5th 613.
12. Makes other findings and declarations.

For more information on AB 937, please see the attached analyses prepared by the Assembly Committee on Public Safety (Exhibit 2) and Assembly Committee on Judiciary (Exhibit 3).

About the Santa Ana Sanctuary Ordinance (Ordinance No. NS-2908)

On January 17, 2021, the Santa Ana City Council adopted Ordinance No. NS-2908: An Uncodified Ordinance of the City Council of the City of Santa Ana relating to the City's Procedures Concerning Sensitive Information and the Enforcement of Federal Immigration Law following the Declaration of the City of Santa Ana as a Sanctuary for all its Residents ("Sanctuary Ordinance"). The Sanctuary Ordinance established the City's procedures concerning immigration status and enforcement of federal civil immigration laws. These procedures included the following: protecting sensitive information, prohibiting the use of City resources for immigration enforcement, preventing biased-based policing, and directing law enforcement personnel to exercise discretion to cite and release individuals in lieu of detaining them at a local detention facility or county jail based on the nature of the alleged crime.

ENVIRONMENTAL IMPACT

There is no environmental impact associated with this action.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBIT(S)

1. Resolution

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2. Analysis of AB 937 prepared by the Assembly Committee on Public Safety
3. Analysis of AB 937 prepared by the Assembly Committee on the Judiciary

Submitted By: Kristine Ridge, City Manager

Approved By: Kristine Ridge, City Manager