



City Manager Office  
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Item # 18

**City of Santa Ana**  
**20 Civic Center Plaza, Santa Ana, CA 92701**  
**Staff Report**  
**August 29, 2023**

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**TOPIC:** Resolution in Support of the HOME Act (Carrillo-AB 1306)

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**AGENDA TITLE**

Resolution Declaring Support of the HOME Act AB1306

**RECOMMENDED ACTION**

Adopt a resolution declaring support of Assembly Bill 1306 (Carrillo) - State Government: Immigration Enforcement.

**DISCUSSION**

At the August 1, 2023, Councilmember Vazquez added the following councilmember-requested item: Discuss and Consider Directing the City Manager to Return for City Council's Consideration a Resolution in Support of AB1306 to Harmonize State Policy with Broadly-Supported, Existing Criminal-Justice Reforms.

**About Assembly Bill 1306**

Assembly Bill 1306 ("AB 1306"), also known as "The HOME Act," is a proposed state bill aimed at halting transfers between the California Department of Corrections and Rehabilitation (CDCR) and Immigration Customs Enforcement (ICE) for individuals who have completed their sentences and been granted parole. The bill emphasizes previous restorative justice legislation and guarantees that individuals under these policies can return to their homes and reintegrate into society, regardless of their citizenship status. The primary goal of the proposed bill is to enable these individuals to rebuild their lives after serving their sentences.

As noted below, there exists state law that limits or restricts state and local law enforcement agencies in federal immigration enforcement activities. However, existing law does not impose these limitations or restrictions on CDCR. AB 1306 would restrict CDCR from cooperating with Immigration and Customs Enforcement (ICE) in specific circumstances. More information is provided in the section below.

### About the California Values Act and TRUST Act

The California Values Act, effective since January 1, 2018, restricts the participation of state and local law enforcement agencies in federal immigration enforcement activities. It forbids these agencies, including school police and security departments, from using their resources to engage in immigration-related investigations, interrogations, detentions, detections, or arrests. The California Values Act also imposes limitations on how law enforcement can collaborate with federal task forces that involve immigration enforcement components. The aim of the California Values Act is to create a clear separation between state and local law enforcement and federal immigration enforcement efforts.

The Values Act builds upon the TRUST Act and expands its scope. The TRUST Act originally prohibited law enforcement from honoring federal immigration holds unless the individual had a serious or violent felony conviction. However, the California Values Act includes certain exceptions that allow law enforcement agencies to cooperate with immigration authorities in the following circumstances:

- Provide a person's release date or personal information, as specified, if such information is available to the public;
- Respond to notification and transfer requests when the individual had been convicted of specified crimes which reflected a higher public safety danger and are on the serious end of the criminal spectrum such as serious and violent felonies and offenses requiring an individual to register as a sex offender;
- Make inquiries into information necessary to certify an individual for a visa for a victim of domestic violence and human trafficking;
- Respond to a request from immigration authorities for information about a person's criminal history;
- Participate with a joint law enforcement task force, as long as the primary purpose of the task force is not immigration enforcement; or,
- Give immigration authorities access to interview an individual in agency custody as long as the interview access complied with the requirements of the TRUTH Act.

### How the California Values Act and TRUST Act do not Affect CDCR

Under both the Values Act and the TRUST Act, the California Department of Corrections and Rehabilitation (CDCR) is not classified as a California law enforcement agency. As a result, the restrictions and requirements imposed on law enforcement agencies regarding immigration enforcement do not apply to CDCR. Contrarily, current law explicitly mandates CDCR to cooperate with Immigration and Customs Enforcement (ICE) through provisions in the Penal Code (Sections 5025 and 5026). Therefore, CDCR's obligations differ from those of California law enforcement agencies in matters related to immigration enforcement.

How AB 1306 Proposes to Changes State Law Relating to CDCR and Federal Immigration Enforcement

AB 1306 restricts the California Department of Corrections and Rehabilitation (CDCR) from cooperating with Immigration and Customs Enforcement (ICE) in specific circumstances. It prohibits CDCR from providing information or assistance to ICE when releasing individuals on various grounds, such as elderly parole, medical parole, compassionate release, youth offender parole hearings, vacatur of felony murder convictions, vacatur due to human trafficking or intimate partner violence victimization, resentencing based on childhood trauma, youthful offender or human trafficking/intimate partner violence victim, resentencing under the California Racial Justice Act, or grant of clemency.

Additionally, the bill repeals provisions that previously mandated CDCR's cooperation with the Department of Homeland Security (DHS) in matters related to immigration enforcement. In summary, the bill aims to limit CDCR's collaboration with ICE, but only in specific cases of release, while also removing the requirement for CDCR to cooperate with DHS.

Resolution

Attached for consideration by the City Council is a resolution (Exhibit 1) supporting AB 1306.

**FISCAL IMPACT**

There is no fiscal impact associated with this action.

**EXHIBIT(S)**

1. Resolution

Submitted By: Kristine Ridge, City Manager

Approved By: Kristine Ridge, City Manager