

**ASSEMBLY BILL**

**No. 2792**

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**Introduced by Assembly Member Bonta**

February 19, 2016

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An act to amend Section 7282 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2792, as introduced, Bonta. Federal immigration policy enforcement.

Existing federal law authorizes issuance of an immigration detainer that serves to advise another law enforcement agency that the federal department seeks custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien. Existing federal law provides that the detainer is a request that the agency advise the department, prior to release of the alien, in order for the department to arrange to assume custody in situations when gaining immediate physical custody is either impracticable or impossible.

Existing law prohibits a law enforcement official, as defined, from detaining an individual on the basis of a United States Immigration and Customs Enforcement hold after that individual becomes eligible for release from custody, unless, at the time that the individual becomes eligible for release from custody, certain conditions are met, including, among other things, that the individual has been convicted of specified crimes. Existing law defines specified terms for purposes of these provisions.

This bill would make nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 7282 of the Government Code is amended  
2 to read:

3 7282. For purposes of this chapter, the following terms have  
4 the following meanings:

5 (a) “Conviction” shall have the same meaning as subdivision  
6 (d) of Section 667 of the Penal Code.

7 (b) “Eligible for release from custody” means that the individual  
8 may be released from custody because one of the following  
9 conditions has occurred:

10 (1) All criminal charges against the individual have been  
11 dropped or dismissed.

12 (2) The individual has been acquitted of all criminal charges  
13 filed against him or her.

14 (3) The individual has served all the time required for his or her  
15 sentence.

16 (4) The individual has posted a bond.

17 (5) The individual is otherwise eligible for release under state  
18 or local law, or local policy.

19 (c) “Immigration hold” means an immigration detainer issued  
20 by an authorized immigration officer, pursuant to Section 287.7  
21 of Title 8 of the Code of Federal Regulations, that requests that  
22 the law enforcement official ~~to~~ maintain custody of the individual  
23 for a period not to exceed 48 hours, excluding Saturdays, Sundays,  
24 and holidays, and ~~to~~ advise the authorized immigration officer  
25 prior to the release of that individual.

26 (d) “Law enforcement official” means any local agency or  
27 officer of a local agency authorized to enforce criminal statutes,  
28 regulations, or local ordinances or to operate jails or to maintain  
29 custody of individuals in jails, and any person or local agency  
30 authorized to operate juvenile detention facilities or to maintain  
31 custody of individuals in juvenile detention facilities.

32 (e) “Local agency” means any city, county, city and county,  
33 special district, or other political subdivision of the state.

34 (f) “Serious felony” means ~~any of the offenses~~ *offense* listed in  
35 subdivision (c) of Section 1192.7 of the Penal Code and any offense  
36 committed in another state ~~which,~~ *that,* if committed in California,  
37 would be punishable as a serious felony as defined by subdivision  
38 (c) of Section 1192.7 of the Penal Code.

1 (g) “Violent felony” means any ~~of the offenses~~ *offense* listed in  
2 subdivision (c) of Section 667.5 of the Penal Code and any offense  
3 committed in another state ~~which~~, *that*, if committed in California,  
4 would be punishable as a violent felony as defined by subdivision  
5 (c) of Section 667.5 of the Penal Code.

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