

File No. 210434

Committee Item No. _____

Board Item No. 41

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: April 27, 2021

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

- Assembly Bill No. 937 - 3/22/21
- CSAC and LCC Position
- _____
- _____
- _____
- _____
- _____
- _____

Prepared by: Lisa Lew

Date: April 23, 2021

Prepared by: _____

Date: _____

1 [Supporting California State Assembly Bill No. 937 (Carrillo) - The VISION Act]

2

3 **Resolution supporting California State Assembly Bill No. 937, “The VISION Act,”**
4 **authored by Assembly Member Wendy Carrillo, to prohibit any state or local agency**
5 **from arresting or facilitating assisting with the arrest, confinement, detention, transfer,**
6 **interrogation, or deportation of an individual for an immigration enforcement purpose.**

7

8 WHEREAS, Refugees and immigrants are a vital part of California’s heart and identity,
9 and we recognize the humanity of all people who call our community home; and

10 WHEREAS, California’s criminal justice system unjustly and disproportionately harms
11 Black, Latinx, Indigenous, and Asian and Pacific Islander American communities; and

12 WHEREAS, With the passing of SB 260, SB 261, SB 1437, AB 1812, which amended
13 paragraph (1) of subdivision (d) of Section 1170 of the Penal Code, and Proposition 47, the
14 Legislature and California voters have demonstrated a strong commitment to reforming our
15 criminal justice system and ending mass incarceration; and

16 WHEREAS, Despite these reforms, California reinforces systemic racism when its jails
17 and prisons voluntarily and unnecessarily transfer immigrant and refugee community
18 members eligible for release from state or local custody to Immigration and Customs
19 Enforcement (ICE) for immigration detention and deportation purposes; and

20 WHEREAS, Jails and prisons serve as the main pipeline to fill immigration detention
21 beds, and approximately 70% of people detained in ICE custody, nationally, have been
22 funneled through our criminal justice system; and

23 WHEREAS, Prisons, jails, & ICE detention centers are notoriously toxic and violent;
24 voluntarily transferring people from jail/prison to ICE worsens their health by lengthening their
25 time behind bars; and

1 WHEREAS, California should not subject these community members to a cruel “double
2 punishment,” and disregard their humanity, records of rehabilitation, stable reentry plans, and
3 community support, purely because they are refugees or immigrants; and

4 WHEREAS, Ending ICE transfers in California is a reflection of the State’s commitment
5 to ending racial injustice and mass incarceration; and

6 WHEREAS, The VISION Act, Assembly Bill No. 937 (AB 937), authored by Assembly
7 Member Wendy Carrillo, prohibits jails, prisons, and other public agencies from funneling
8 community members who are eligible for release to ICE jails where they endure deplorable
9 conditions and face permanent separation from their families and communities; and

10 WHEREAS, Through the passing of the VISION Act, California has an opportunity to
11 set a model for the nation and advance a positive vision of a society based on care, healing,
12 and transformation; and

13 WHEREAS, Our community refuses to use local and state resources to separate
14 children from their parents and detain and deport millions of parents, neighbors, co-workers,
15 and friends; and

16 WHEREAS, the City and County of San Francisco values all members of our
17 community, embraces compassion, equality, and inclusion, and proudly defends the rights of
18 all residents, including refugees and immigrants; now, therefore, be it

19 RESOLVED, That the San Francisco Board of Supervisors hereby supports California
20 Assembly Bill No. 937, “The VISION Act,” and urges the California State Legislature to pass
21 this bill in order to keep our immigrant and refugee communities safe by preventing state or
22 local agencies from arresting or facilitating assisting with the arrest, confinement, detention,
23 transfer, interrogation, or deportation of an individual for an immigration enforcement purpose;
24 and, be it

25 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the

1 Board to transmit a copy of this Resolution to the California Senate President pro Tempore
2 Toni Atkins, California Assembly Speaker Anthony Rendon, Governor Gavin Newsom, and
3 the Bill's primary sponsor, Assembly Member Wendy Carrillo.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

AMENDED IN ASSEMBLY MARCH 22, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 937

Introduced by Assembly Members Carrillo, Kalra, and Santiago
(Principal coauthor: Assembly Member Chiu)
(Principal coauthor: ~~Senator~~ *coauthors: Senators Gonzalez and Wiener*)
(Coauthor: Assembly Member Gipson)
(*Coauthors: Assembly Members Cristina Garcia, Gipson, Robert Rivas,*
Jones-Sawyer, Lee, Ting, Holden, and Wicks)
(~~Coauthors: Senators Gonzalez, Durazo, Hueso, Newman, and Skinner~~)

February 17, 2021

An act to add Chapter 17.15 (commencing with Section 7282.7) to Division 7 of Title 1 of the Government Code, and to amend Section 13125 of, and to repeal Sections 5025 and 5026 of, the Penal Code, relating to immigration enforcement.

LEGISLATIVE COUNSEL'S DIGEST

AB 937, as amended, Carrillo. Immigration enforcement.

Existing law, the California Values Act, prohibits a California law enforcement agency from providing a person's release date, or responding to a request for notification of a release date, unless that information is available to the public, and prohibits the transfer of an individual to immigration authorities, as specified, unless the person has been convicted of specified crimes or arrested for a serious or violent felony.

This bill would prohibit any state or local agency from arresting or ~~facilitating~~ *assisting with* the arrest, confinement, detention, transfer, interrogation, or deportation of an individual for an immigration enforcement purpose, as specified. The bill would additionally prohibit

state or local agencies or courts from using immigration status as a factor to deny or to recommend denial of ~~probation~~, *probation* or participation in any diversion, rehabilitation, *mental health program*, or placement in a ~~credit-earning programs or classes, or mental health program~~, *credit-earning program or class*, or to determine custodial classification level, ~~or to deny mandatory supervision~~ *supervision*, or to lengthen the portion of supervision served in custody. The bill would authorize a person to 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 these provisions, and would make those agencies or officials liable for actual *and general* damages and reasonable attorney’s fees.

Existing law requires the Department of Corrections and Rehabilitation to implement and maintain procedures to identify inmates serving terms in state prison who are undocumented felons subject to deportation. Existing law requires the department to annually report to the Legislature the number of persons identified as undocumented aliens, as specified.

This bill would repeal those provisions.

Existing law requires all basic information stored in state or local criminal offender record information systems to be recorded in the form of specified standard data elements, including, among other things, place of birth.

This bill would no longer require that information to include place of birth.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California’s punitive carceral system unjustly and
- 4 disproportionately harms Black, Latinx, Indigenous, and Asian
- 5 and Pacific Islander American communities. In recent years, with
- 6 the passing of SB 260, SB 261, SB 1437, AB 1812, which amended
- 7 paragraph (1) of subdivision (d) of Section 1170 of the Penal Code,
- 8 and Proposition 47, the Legislature and California voters have
- 9 demonstrated a strong commitment to reforming our criminal
- 10 justice system and ending mass incarceration.

1 (b) Despite these reforms, when California’s jails and prisons
2 voluntarily and unnecessarily transfer immigrant and refugee
3 community members eligible for release from state or local custody
4 to Immigration and Customs Enforcement (ICE) for immigration
5 detention and deportation purposes, they subject these community
6 members to double punishment and further trauma. Immigrant
7 community members can be incarcerated by ICE, often for
8 prolonged periods and with no right to bail, and deported,
9 permanently banishing them from the country, from their families,
10 their homes, their livelihoods and “all that makes life worth living.”
11 *Ng Fung Ho v. White*, 259 U.S. 276, 284 (1922). The Supreme
12 Court has repeatedly acknowledged that for many people
13 deportation is a more severe penalty than any jail sentence. See,
14 e.g., *Lee v. U.S.*, 137 S.Ct. 1958, 1968 (2017); *Padilla v. Kentucky*,
15 559 U.S. 356, 364 (2010).

16 (c) Community members transferred to ICE are refugees, lawful
17 permanent residents, people who entered the United States as
18 children, parents, caretakers, essential workers, or are otherwise
19 valued California residents. California should not subject these
20 community members to a second, double punishment, and disregard
21 their record of rehabilitation, stable reentry plans, and community
22 support, purely because they are refugees or immigrants. Ending
23 ICE transfers in California is a reflection of the state’s commitment
24 to ending racial injustice and mass incarceration.

25 (d) Moreover, incarceration and ICE transfers are harmful to
26 public health. Countless studies document negative health impacts
27 of incarceration in jails, prisons, and ICE detention centers. People
28 who have been incarcerated have worse health outcomes and,
29 overall, have lower life expectancies. Given the racial inequities
30 plaguing the state’s carceral system, the significant health risks
31 posed by incarceration and transfers weigh heavily on California’s
32 Black, Latinx, and Asian and Pacific Islander American
33 communities.

34 (e) The Constitutions of the United States and the State of
35 California protect all persons present within our borders from
36 unreasonable searches and seizures, from deprivations of life,
37 liberty or property without due process of law, from being deprived
38 of equal protection under the law, including from being targeted
39 on the basis of race or ethnicity. This act embodies and protects
40 these values by ensuring that all Californians, including refugees

1 and immigrants, are not torn from their communities when they
 2 are eligible for release from state or local custody simply because
 3 they are not citizens of the United States.

4 (f) To ensure an equitable opportunity for noncarceral,
 5 rehabilitative and diversionary dispositions or custody status to all
 6 persons involved in the criminal legal system, irrespective of
 7 immigration status, it is the intent of the Legislature to abrogate
 8 case law that is inconsistent with this value, including, but not
 9 limited to, *People v. Sanchez* (1987) 190 Cal.App.3d 224; *People*
 10 *v. Cisneros* (2000) 84 Cal.App.4th 352; *People v. Espinoza* (2003)
 11 107 Cal.App.4th 1069; *People v. Arce* (2017) 11 Cal.App.5th 613.

12 (g) This act shall be known, and may be cited as, the Voiding
 13 Inequality and Seeking Inclusion for Our Immigrant Neighbors
 14 (VISION) Act.

15 SEC. 2. Chapter 17.15 (commencing with Section 7282.7) is
 16 added to Division 7 of Title 1 of the Government Code, to read:

17
 18 CHAPTER 17.15. VOIDING INEQUALITY AND SEEKING INCLUSION
 19 FOR OUR IMMIGRANT NEIGHBORS ACT

20
 21 7282.7. (a) (1) A state or local agency shall not arrest or
 22 *facilitate assist with* the arrest, confinement, detention, transfer,
 23 interrogation, or deportation of an individual for an immigration
 24 enforcement purpose in any manner including, but not limited to,
 25 by notifying another agency or subcontractor thereof regarding
 26 the release date and time of an individual, releasing or transferring
 27 an individual into the custody of another agency or subcontractor
 28 thereof, or disclosing personal information, as defined in Section
 29 1798.3 of the Civil Code, about an individual, including, but not
 30 limited to, an individual's date of birth, work address, home
 31 address, or parole or probation check in date and time to another
 32 agency or subcontractor thereof. This subdivision shall apply
 33 notwithstanding any contrary provisions in Section 7282.5,
 34 subparagraphs (C) and (D) of paragraph (1) of, or paragraph (4)
 35 of, subdivision (a) of Section 7284.6, or subdivision (b) of 7284.6.

36 (2) This subdivision does not prohibit compliance with a
 37 criminal judicial warrant.

38 (b) A state or local agency or court shall not use immigration
 39 status as a factor to deny or to recommend denial of ~~probation,~~
 40 *probation or* participation in any diversion, rehabilitation, *mental*

1 *health program, or placement in a credit-earning programs or*
2 *classes, or mental health program, credit-earning program or class,*
3 *or to determine custodial classification level, or to deny mandatory*
4 *supervision supervision, or to lengthen the portion of supervision*
5 *served in custody.*

6 (c) For the purposes of this section, all of the following
7 definitions apply:

8 (1) ~~“Arrest” includes assisting or facilitating an arrest by another~~
9 ~~agency or subcontractor.~~

10 (2)

11 (1) “Immigration enforcement” includes any and all efforts to
12 investigate, enforce, or assist in the investigation or enforcement
13 of any federal civil immigration law, and also includes any and all
14 efforts to investigate, enforce, or assist in the investigation or
15 enforcement of any federal criminal immigration law that penalizes
16 a person’s presence in, entry, or reentry to, or employment in, the
17 United States.

18 (2) “State or local agency” includes, but is not limited to, local
19 and state law enforcement agencies, parole or probation agencies,
20 the Department of Juvenile Justice, and the Department of
21 Corrections and Rehabilitation.

22 (3) “Transfer” includes custodial transfers, informal transfers
23 in which a person’s arrest is facilitated through the physical
24 hand-off of that person in a nonpublic area of the state or local
25 agency, or any coordination between the state or local agency and
26 the receiving agency about an individual’s release to effectuate an
27 arrest for immigration enforcement purposes upon or following
28 their release from the state or local agency’s custody.

29 (d) In addition to any other sanctions, penalties, or remedies
30 provided by law, a person may bring an action for equitable or
31 declaratory relief in a court of competent jurisdiction against a
32 state or local agency or state or local official that violates this
33 section. A state or local agency or official that violates this section
34 is also liable for actual *and general* damages and reasonable
35 attorney’s fees.

36 SEC. 3. Section 5025 of the Penal Code, as amended by Section
37 5 of Chapter 565 of the Statutes of 1994, is repealed.

38 SEC. 4. Section 5025 of the Penal Code, as amended by Section
39 133 of Chapter 91 of the Statutes of 1995, is repealed.

40 SEC. 5. Section 5026 of the Penal Code is repealed.

1 SEC. 6. Section 13125 of the Penal Code is amended to read:
2 13125. All basic information stored in state or local criminal
3 offender record information systems shall be recorded, when
4 applicable and available, in the form of the following standard
5 data elements:

6
7 The following personal identification data:

- 8 Name—(full name)
- 9 Aliases
- 10 Monikers
- 11 Race
- 12 Sex
- 13 Date of birth
- 14
- 15 Height
- 16 Weight
- 17 Hair color
- 18 Eye color
- 19 CII number
- 20 FBI number
- 21 Social security number
- 22 California operator’s license number
- 23 Fingerprint classification number
- 24 Henry
- 25 NCIC
- 26 Address

27 The following arrest data:

- 28 Arresting agency
- 29 Booking number
- 30 Date of arrest
- 31 Offenses charged
- 32 Statute citations
- 33 Literal descriptions
- 34 Police disposition
- 35 Released
- 36 Cited and released
- 37 Turned over to
- 38 Complaint filed

39 The following misdemeanor or infraction data or preliminary
40 hearing data:

- 1 County and court name
- 2 Date complaint filed
- 3 Original offenses charged in a complaint
- 4 or citation
- 5 Held to answer
- 6 Certified plea
- 7 Disposition
- 8 Not convicted
- 9 Dismissed
- 10 Acquitted
- 11 Court trial
- 12 Jury trial
- 13 Convicted
- 14 Plea
- 15 Court trial
- 16 Jury trial
- 17 Date of disposition
- 18 Convicted offenses
- 19 Sentence
- 20 Sentence enhancement data elements
- 21 Proceedings suspended
- 22 Reason suspended
- 23 The following superior court data:
- 24 County
- 25 Date complaint filed
- 26 Type of proceeding
- 27 Indictment
- 28 Information
- 29 Certification
- 30 Original offenses charged in indictment or
- 31 information
- 32 Disposition
- 33 Not convicted
- 34 Dismissed
- 35 Acquitted
- 36 Court trial
- 37 Jury trial
- 38 On transcript
- 39 Convicted—felony, misdemeanor
- 40 Plea

- 1 Court trial
- 2 Jury trial
- 3 On transcript
- 4 Date of disposition
- 5 Convicted offenses
- 6 Sentence
- 7 Sentence enhancement data elements
- 8 Proceedings suspended
- 9 Reason suspended
- 10 Source of reopened cases
- 11 The following corrections data:
- 12 Adult probation
- 13 County
- 14 Type of court
- 15 Court number
- 16 Offense
- 17 Date on probation
- 18 Date removed
- 19 Reason for removal
- 20 Jail (unsentenced prisoners only)
- 21 Offenses charged
- 22 Name of jail or institution
- 23 Date received
- 24 Date released
- 25 Reason for release
- 26 Bail on own recognizance
- 27 Bail
- 28 Other
- 29 Committing agency
- 30 County jail (sentenced prisoners only)
- 31 Name of jail, camp, or other
- 32 Convicted offense
- 33 Sentence
- 34 Sentence enhancement data elements
- 35 Date received
- 36 Date released
- 37 Reason for release
- 38 Committing agency
- 39 Division of Juvenile Justice
- 40 County

- 1 Type of court
- 2 Court number
- 3 Division of Juvenile Justice number
- 4 Date received
- 5 Convicted offense
- 6 Type of receipt
 - 7 Original commitment
 - 8 Parole violator
- 9 Date released
- 10 Type of release
 - 11 Custody
 - 12 Supervision
- 13 Date terminated
- 14 Department of Corrections and Rehabilitation
 - 15 County
 - 16 Type of court
 - 17 Court number
 - 18 Department of Corrections and Rehabilitation number
 - 19 Date received
 - 20 Convicted offense
 - 21 Type of receipt
 - 22 Original commitment
 - 23 Parole violator
 - 24 Date released
 - 25 Type of release
 - 26 Custody
 - 27 Supervision
 - 28 Date terminated
- 29 Mentally disordered sex offenders
 - 30 County
 - 31 Hospital number
 - 32 Date received
 - 33 Date discharged
 - 34 Recommendation
- 35

- 1
- 2 **REVISIONS:**
- 3 **Heading—Line 6.**
- 4

O

From: [Gee, Natalie \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Walton, Shamann \(BOS\)](#)
Subject: Walton - Introduction - Resolution in Support of AB 937 - The VISION Act
Date: Tuesday, April 20, 2021 5:15:05 PM
Attachments: [AB 937.pdf](#)
[Walton - Reso - Vision Act AB 937.doc](#)
[Walton - Introduction Form - VISION Act AB 937.pdf](#)

Good afternoon Clerk Team,

Attached is a President Walton's introduction form and resolution in support of CA Assembly Bill No. 937 – The VISION Act. I've also attached a copy of the bill.

The California State Association of Counties and the League of California Cities have both taken a watch position on the bill.

Confirming that this resolution pertains to matters that are routine, not contentious in natures, and of no special interest.

I've CC'ed President Walton to confirm his signature.

Thank you,
Natalie

Natalie Gee 朱凱勤, Chief of Staff
Supervisor Shamann Walton, District 10
President, Board of Supervisors
1 Dr. Carlton B. Goodlett Pl, San Francisco | Room 282
Direct: 415.554.7672 | **Office:** 415.554.7670

*I am working from home due to the **COVID-19 Stay Safer At Home order** and will be most responsive by email.*

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Walton, Ronen, Haney, Mar

Subject:

Supporting Assembly Bill No. 937 – The VISION Act

The text is listed:

Resolution supporting California State Assembly Bill No. 937, "The VISION Act," authored by Assemblymember Wendy Carrillo, to prohibit any state or local agency from arresting or facilitating assisting with the arrest, confinement, detention, transfer, interrogation, or deportation of an individual for an immigration enforcement purpose.

Signature of Sponsoring Supervisor: /s/ Shamann Walton

For Clerk's Use Only