# ASSEMBLY BILL No. 1537

**Introduced by Assembly Member Bryan**

January 5, 2026

An act to amend Section 70 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1537, as introduced, Bryan. Peace officers: secondary employment.

Existing law provides that every executive or ministerial officer, employee, or appointee of the State of California, or any county or city therein, or any political subdivision thereof, who knowingly asks, receives, or agrees to receive any emolument, gratuity, or reward, or any promise thereof excepting such as may be authorized by law for doing an official act, is guilty of a misdemeanor. Existing law exempts from that offense certain employment by a peace officer while off duty, as specified. Existing law also provides that a peace officer shall not be prohibited from engaging in other employment while off duty, as specified.

This bill would, notwithstanding those provisions, prohibit a peace officer from being employed by, or being an independent contractor of or volunteer for, the United States Department of Homeland Security or its contractors or any other entity that assists with or engages in immigration enforcement. The bill would provide that failure to comply with this provision constitutes, for certain purposes, an act of dishonesty and that it is grounds for decertification as a peace officer. The bill would require a peace officer to report to their employing law enforcement agency any secondary employment relating to immigration

enforcement. By imposing additional duties on local law enforcement agencies to accept these reports, this bill would impose a state-mandated local program. The bill would also explicitly state that records related to secondary employment of peace officers are public records for the purposes of the California Public Records Act.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 70 of the Penal Code is amended to read:

70. (a) Every executive or ministerial officer, employee, or appointee of the State of California, or any county or city therein, or any political subdivision thereof, who knowingly asks, receives, or agrees to receive any emolument, gratuity, or reward, or any promise thereof excepting such as may be authorized by law for doing an official act, is guilty of a misdemeanor.

(b) This section does not prohibit deputy registrars of voters from receiving compensation when authorized by local ordinance from any candidate, political committee, or statewide political organization for securing the registration of voters.

(c) (1) Nothing in this section precludes a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, from engaging in, or being employed in, casual or part-time employment as a private security guard or patrolman for a public entity while off duty from ~~his or her~~ *their* principal employment and outside ~~his or her~~ *their* regular employment as a peace officer of a state or local agency, and exercising the powers of a peace officer concurrently with that employment, provided that the peace officer is in a police uniform and is subject to reasonable rules and regulations of the agency for which ~~he or she is~~ *they are* a peace officer. Notwithstanding the above provisions, any and all civil and criminal liability arising out of the secondary

employment of any peace officer pursuant to this subdivision shall be borne by the officer's secondary employer.

(2) It is the intent of the Legislature by this subdivision to abrogate the holdings in People v. Corey, 21 Cal.3d 738, and Cervantez v. ~~J.C.~~ *J. C.* Penney Co., 24 Cal.3d 579, to reinstate prior judicial interpretations of this section as they relate to criminal sanctions for battery on peace officers who are employed, on a part-time or casual basis, by a public entity, while wearing a police uniform as private security guards or patrolmen, and to allow the exercise of peace officer powers concurrently with that employment.

(d) (1) Nothing in this section precludes a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, from engaging in, or being employed in, casual or part-time employment as a private security guard or patrolman by a private employer while off duty from ~~his or her~~ *their* principal employment and outside ~~his or her~~ *their* regular employment as a peace officer, and exercising the powers of a peace officer concurrently with that employment, provided that all of the following are true:

(A) The peace officer is in ~~his or her~~ *their* police uniform.

(B) The casual or part-time employment as a private security guard or patrolman is approved by the county board of supervisors with jurisdiction over the principal employer or by the board's designee or by the city council with jurisdiction over the principal employer or by the council's designee.

(C) The wearing of uniforms and equipment is approved by the principal employer.

(D) The peace officer is subject to reasonable rules and regulations of the agency for which ~~he or she is~~ *they are* a peace officer.

(2) Notwithstanding the above provisions, a peace officer while off duty from ~~his or her~~ *their* principal employment and outside ~~his or her~~ *their* regular employment as a peace officer of a state or local agency shall not exercise the powers of a police officer if employed by a private employer as a security guard during a strike, lockout, picketing, or other physical demonstration of a labor dispute at the site of the strike, lockout, picketing, or other physical demonstration of a labor dispute. The issue of whether or not casual or part-time employment as a private security guard or patrolman

pursuant to this subdivision is to be approved shall not be a subject for collective bargaining. Any and all civil and criminal liability arising out of the secondary employment of any peace officer pursuant to this subdivision shall be borne by the officer's principal employer. The principal employer shall require the secondary employer to enter into an indemnity agreement as a condition of approving casual or part-time employment pursuant to this subdivision.

(3) It is the intent of the Legislature by this subdivision to abrogate the holdings in People v. Corey, 21 ~~Cal. 3d~~ *Cal.3d* 738, and Cervantez v. J. C. Penney Co., 24 ~~Cal. 3d~~ *Cal.3d* 579, to reinstate prior judicial interpretations of this section as they relate to criminal sanctions for battery on peace officers who are employed, on a part-time or casual basis, while wearing a police uniform approved by the principal employer, as private security guards or patrolmen, and to allow the exercise of peace officer powers concurrently with that employment.

(e) (1) Nothing in this section precludes a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, from engaging in, or being employed in, other employment while off duty from ~~his or her~~ *their* principal employment and outside ~~his or her~~ *their* regular employment as a peace officer of a state or local agency.

(2) Subject to subdivisions (c) and (d), and except as provided by written regulations or policies adopted by the employing state or local agency, or pursuant to an agreement between the employing state or local agency and a recognized employee organization representing the peace officer, no peace officer shall be prohibited from engaging in, or being employed in, other employment while off duty from ~~his or her~~ *their* principal employment and outside ~~his or her~~ *their* regular employment as a peace officer of a state or local agency.

(3) If an employer withholds consent to allow a peace officer to engage in or be employed in other employment while off duty, the employer shall, at the time of denial, provide the reasons for denial in writing to the peace officer.

*(f) (1) Notwithstanding subdivisions (c), (d), and (e), a peace officer shall not engage in casual, part-time, contract-based, or any other form of secondary employment for, and shall not be an independent contractor of or volunteer for, the United States*

*Department of Homeland Security or its contractors, or any other entity that assists with or engages in immigration enforcement, as defined in Section 7284.4 of the Government Code.*

*(2) For purposes of Section 832.7, a violation of paragraph (1) is an act of dishonesty and constitutes grounds for decertification pursuant to Article 2 (commencing with Section 13510) of Chapter 1 of Title 4 of Part 4.*

*(3) A peace officer shall report to their employing law enforcement agency any offer of, request for, or attempt at secondary employment that involves assisting with or engaging in immigration enforcement.*

*(4) For the purposes of this subdivision, the following terms have the following meanings:*

*(A) "Law enforcement agency" means any local or state entity that employs a peace officer.*

*(B) "Peace officer" has the same meaning as in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.*

*(g) All records related to secondary employment of peace officers, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, shall be public records for purposes of the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).*

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

O