

**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

---

DATE: June 21, 2019

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations  
Committee

FROM: Sharon M. Tso   
Chief Legislative Analyst

Council File No: 19-0002-S86  
Assignment No: 19-05-0501

SUBJECT: Resolution to support AB 1747

CLA RECOMMENDATION: Adopt the Resolution (Cedillo – Price) to include in the City’s 2019 – 2020 State Legislative Program SUPPORT for AB 1747 (Gonzalez), which would prohibit California law enforcement agencies from making agency databases or any information contained in such databases available to any entity for the purpose of immigration enforcement.

SUMMARY

The Resolution (Cedillo – Price), introduced on May 14, 2019, states that existing law prohibits California law enforcement agencies from using public funds or personnel to investigate, detain, or arrest persons for immigration enforcement purposes. AB 1747 was introduced to prohibit California law enforcement agencies from making agency databases or any information contained in such databases available to any entity for the purpose of immigration enforcement. Between January 1, 2017, and April 10, 2018, the Department of Homeland Security (DHS) made 594 inquiries to the California Department of Motor Vehicles (DMV) driver’s license database and over 1,000 inquiries to the DMV vehicle registration database specifically for immigration enforcement.

The Resolution further states that applications for AB 60 driver’s licenses have dropped sharply due to fear of immigration and enforcement. The fear of immigration officials accessing state databases undermines the purpose of AB 60, which is to enable residents to drive legally and to be insured. The Resolution therefore requests that the Council support AB 1747.

BACKGROUND

Existing law generally prohibits, with exceptions, a California law enforcement agency from using its moneys or personnel to investigate, detain, or arrest persons for immigration enforcement purposes. This includes inquiring into an individual’s immigration status, detaining an individual on the basis of a hold request, or providing information regarding a person’s release date or responding to requests for notification by providing release dates or other information, unless that information is available to the public, or is in response to a notification request from immigration authorities as specified.

In 2013, the State Legislature passed AB 60, which created a driver’s license for undocumented Californians to ensure these residents could drive legally, safely, and obtain insurance. Law enforcement agencies may access certain information from driver license or identification card records either directly from the California Department of Motor Vehicles (DMV) via a requester

account, or via the Department of Justice's California Law Enforcement Telecommunications System (CLETS) and Cal-Photo programs. The DMV has noted that it does not release any document provided by an applicant for purposes of proving the applicant's identity, true full name, California residency, or legal presence, except in response to a criminal subpoena, a court order, or a certification from law enforcement attesting to an urgent health or safety need for the release of the documents. The DMV has also stated that it does not identify whether a person applied for a license under AB 60 and that it does not maintain a separate database for AB 60 licenses.

Reports have conflicted with the DMV's statements that it does not share information about immigration status with the US Department of Homeland Security (DHS). In 2018, the American Civil Liberties Union (ACLU) and the National Immigration Law Center (NILC) released a report that noted DHS conducted 89,223 queries in CLETS in the first three months of 2018. This included 80 inquiries to the driver's license database and 341 inquiries to the vehicle registration database. News reports have also noted Immigration and Customs Enforcement (ICE) officials with copies of AB 60 licenses in at least two known cases.

AB 1747 would prohibit law enforcement agencies from making agency or department databases, including databases maintained for the agency or department by private vendors, or the information therein, available to anyone or any entity for the purpose of immigration enforcement. It would also terminate any agreement that allows access to law enforcement databases in violation of the bill.

Supporters of the legislation, including the American Civil Liberties Union (ACLU), California Public Defenders Association, and the Electronic Frontier Foundation, argue that AB 1747 upholds California's core values of community, family unity, and common humanity. There is no registered opposition on file.

#### BILL STATUS

2/22/2019	Introduced. To print.
3/28/2019	Referred to Public Safety Committee and Judiciary Committee.
4/10/2019	From Public Safety Committee: Do pass and re-refer to Judiciary Committee (5-0).
4/23/2019	From Judiciary Committee: Amend, and do pass as amended and re-refer to Appropriations Committee (9-3).
5/08/2019	From Appropriations Committee: Do pass (13-4).
5/13/2019	Read third time. Passed. Ordered to the Senate (56-14).
5/22/2019	Referred to Public Safety Committee and Judiciary Committee.
6/10/2019	In committee: Set, first hearing. Hearing cancelled at the request of author.



Tim Plummer  
Analyst

SMT:tcp

Attachments: Resolution (Cedillo – Price) in support of AB 1747

RESOLUTION

RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, existing law prohibits California law enforcement agencies from using public funds or personnel to investigate, detain, or arrest persons for immigration enforcement purposes; and

WHEREAS, on February 22, 2019, Assembly Bill (AB) 1747 (Gonzalez) was introduced to prohibit California law enforcement agencies from making agency databases or any information contained in such databases available to any entity for the purpose of immigration enforcement; and

WHEREAS, according to the author of the bill, recent reports have found that the Department of Homeland Security (DHS) Immigration Customs and Enforcement (ICE) has been accessing state-run databases containing information about individuals who obtained their driver's licenses under AB 60; and


WHEREAS, the American Civil Liberties Union (ACLU) and the National Immigration Law Center report that between January 1, 2017, and April 10, 2018, DHS made 594 inquiries to the California Department of Motor Vehicles (DMV) driver's license database and over 1,000 inquiries to the DMV vehicle registration database specifically for immigration enforcement; and

WHEREAS, applicants for AB 60 driver's licenses has dropped sharply due to fear of immigration enforcement and deportation; and

WHEREAS, the fear of immigration officials gaining access to state databases undermines the purpose of the law established by AB 60 which is to enable residents to drive legally and to be insured; and

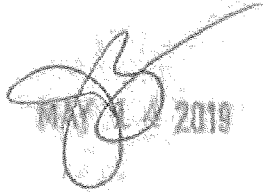
WHEREAS, the City of Los Angeles has previously supported legislation that limits or restricts information sharing with federal immigration officials as permitted by federal law to protect the immigrant community;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2019-2020 State Legislative Program SUPPORT of AB 1747 which would prohibit California law enforcement agencies from making agency databases or any information contained in such databases available to any entity for the purpose of immigration enforcement.

PRESENTED BY   
GILBERT A. CEDILLO  
Councilmember, 1<sup>st</sup> District

SECONDED BY 

ORIGINAL

  
MAY 1 2019