News of today’s Presidential Executive Orders on Immigration, officially entitled “Border Security and Immigration Enforcement Improvements” and “Enhancing Public Safety in the Interior of the United States” spread rapidly and, unsurprisingly, was met with a fiery response by California legislative leadership.

In response to today’s Federal action, California State Legislative leadership held a press conference announcing that SB 54 and SB 6 will be fast-tracked next week through policy committees. SB 54, authored by Senate pro Tempore Kevin de Leon, would set restrictions on when and how local law enforcement participates, aids, provides assistance, or shares data with ICE. Related to some extent, SB 6 by Senator Ben Hueso would provide legal services for individuals facing deportation.

Following the press conference, First Vice President Ed Medrano met with Senator de Leon to discuss our concerns with SB 54. The meeting was productive, which ended with a commitment from the Senator to work with Cal Chiefs towards addressing our primary concern that SB 54 may preclude local law enforcement from participating in federal joint task forces targeted at trans-national criminal organizations. In the following weeks, Cal Chiefs will continue to negotiate amendments with the input from other public safety advocates and our federal partners.

Below is an overview of the two executive orders. The following information is not legal advice. For additional questions, we recommend consulting with your city attorney.

Overview of “Enhancing Public Safety in the Interior of the United States”

- Charges the Department of Homeland Security to prioritize the removal of undocumented residents who have been convicted or charged of any criminal offense
- Charges the Department of Homeland Security with hiring 10,000 additional immigration officers
- States that “It is the policy of the executive branch to empower state and local law enforcement agencies across the country to perform the functions of an immigration officer in the interior of the United States to the maximum extent permitted by law.” This provision only applies with the consent of local or State official.
- Ensures that jurisdictions that willfully refuse to comply with 8 U.S.C 1373 (commonly referred to as sanctuary cities) are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes by the Attorney General or the Secretary
- Charges the Secretary of Homeland Security with making a weekly list of “criminal actions committed by aliens and any jurisdiction that ignored or otherwise failed to honor any detainers with respect to such aliens”
- Terminates the Priority Enforcement Program (PEP) and reinstitutesthe Secure Communities program
- Establishes an Office for Victims of Crimes Committed by Removable Aliens. This office shall provide quarterly reports studying the effects of the victimization by criminal aliens present in the United States
Overview of “Border Security and Immigration Enforcement Improvements”

- Orders the immediate construction of a southern border wall
- Funds and constructs additional detention facilities near the land border with Mexico
- Authorizes the hiring of 5,000 additional Border Patrol agents
- Authorizes the Secretary of Homeland Security to authorize State and local law enforcement officials, as the Secretary determines are qualified and appropriate, to perform the functions of immigration officers in relation to the investigation, apprehension, or detention of aliens in the United States under the direction and the supervision of the Secretary
- Charges the Secretary of Homeland Security with taking all appropriate actions to ensure the detention of aliens apprehended for violations of immigration law pending the outcome of their removal proceedings or their removal from the country to the extent permitted by law.
- As always, if you have any questions please do not hesitate to reach out.