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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

October 29, 2011

California Attorney General Kamala Harris
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This is the amended version for a previously submitted text for preparation of title and summary of the proposed initiative measure, known as the California Taxpayer Protection Act of 2012. The amended text of the initiative is attached. Sections 2 and 8 were removed and all other sections remain the same with one exception, in the new Sec.5, c 4 was removed.

Thank you very much,

Ted Hilton

Ted Hilton

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SEC. 1. This measure shall be known, and may be cited as the California Taxpayer Protection Act of 2012.

SEC. 2. Chapter 3.5 (commencing with Section 653.65) is added to Title 15 of Part 1 of the Penal Code, to read:

CHAPTER 3.5 COOPERATIVE ENFORCEMENT OF FEDERAL IMMIGRATION LAW

653.65. (a) Upon notification that an arrested person is unlawfully present in the United States, the arresting agency shall immediately verify with the United States Department of Homeland Security whether an immigration detainer is to be issued for that person.

(b) Any state or local law enforcement agency having custody of an alien for whom a request for a detainer has been received from federal immigration authorities may not release the alien, unless otherwise directed by a court of competent jurisdiction, but shall transfer the alien into federal custody.

(c) (1) Commencing with the state budget for the 2013-2014 fiscal year, the Legislature shall annually appropriate thirty-five million dollars ($35,000,000) from the General Fund to the Division of Law Enforcement in the Department of Justice for the purpose of funding investigations and intelligence to combat transnational gangs and all related crimes involving, but not limited to, unauthorized aliens involved with terrorism, homicide, kidnapping, and human, drug, and sex trafficking. The Attorney General shall maintain the Bureau of Narcotic Enforcement and the Bureau of Investigations and Intelligence for the period of authorized funding. The annual funding shall remain in effect for 20 years.

(2) This subdivision shall be repealed on January 1, 2033, unless an earlier enacted statute extends or repeals that date.

SEC. 3. Section 11057 is added to the Penal Code, to read:

11057. (a) The Department of Justice is authorized and directed to negotiate the terms of a memorandum of agreement (MOA), pursuant to Section 287 (g) of the federal Immigration and Nationality Act of 1965, as amended, between the State

of California and the United States Department of Justice or United States Department of Homeland Security, providing for designated law enforcement officers to perform certain functions of federal immigration officers within the State of California.

(b) The memorandum of agreement negotiated pursuant to subdivision (a) shall be signed on behalf of the state by the Attorney General.

(c) (1) No later than 90 days from the date that the MOA is signed by all parties, the Department of Justice shall determine the 20 counties in the state with the highest impact of crimes committed by unauthorized alien transnational gangs.

(2) The sheriff from each of the 20 counties identified by the Department of Justice pursuant to paragraph (1) shall designate at least one peace officer to be trained pursuant to the MOA.

(3) Any state or local law enforcement agency may designate one or more peace officers to be trained pursuant to the MOA.

(d) Training under the MOA shall be provided to the designated peace officers pursuant to subdivision (c) subject to the availability of funds appropriated for this purpose.

(e) The Attorney General shall make requests for funds to advance training of additional officers, pursuant to Section 287 (g) of the federal Immigration and Nationality Act of 1965, as amended, to be stationed at each booking, jail and correctional facility, and to combat transnational gangs and other unauthorized aliens.

SEC. 4. Section 11059 is added to the Penal Code, to read:

11059. (a) Notwithstanding any other provision of law, no official or agency of this state or political subdivision herein may prohibit or in any way restrict any peace officer from inquiring into the citizenship or immigration status of a person and from verifying that status, or exchanging information with any law enforcement agency, or for any lawful purpose authorized by Sections 1373 and 1644 of Title 8 of the United States Code.

SEC. 5. Section 12801.5 of the Vehicle Code is amended to read:

12801.5. (a) Notwithstanding any provision of law, the department shall

require every applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

(b) (1) The department shall not issue an original driver's license or identification card to a person who does not submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

(2) The department shall not accept a driver's license or identification card from any other state as proof of lawful status if the other state does not verify lawful presence in the United States.

(3) For any application that does not have a verified social security number, the department shall verify the applicant's documents with the issuing federal agency that establishes the applicant's authorized presence in the United States.

(c) The department shall adopt regulations to carry out the purposes of this section, including procedures for, but not limited to, (1) verifying that the applicant's presence in the United States is authorized under federal law, (2) issuance of a temporary license pending verification of the applicant's status, and (3) appeal hearings from a denial of a license, temporary license, or identification card.

(d) On January 10 of each year, the department shall submit a supplemental budget report to the Governor and the Legislature detailing the costs of verifying the citizenship or legal residency of applicants for driver's licenses and identification cards, in order for the state to request reimbursement from the federal government.

(e) Notwithstanding Section 40300 or any other provision of law, a peace officer may not detain or arrest a person solely on the belief that the person is an unlicensed driver, unless the officer has reasonable cause to believe the person driving is under the age of 16 years.

(f) The inability to obtain a driver's license pursuant to this section does not abrogate or diminish in any respect the legal requirement of every driver in this state to obey the motor vehicle laws of this state, including laws with respect to licensing, motor vehicle registration, and financial responsibility.

SEC. 6. Section 12801.9 is added to the Vehicle Code to read:

12801.9. If an applicant has been temporarily admitted to the United States on a nonimmigrant visa, the department shall not issue a driver's license or identification card to the applicant for a period that extends beyond the expiration date of the applicant's authorized presence in the United States.

SEC. 7. (a) The provisions of this act are severable. If any provision of this act or its application is held invalid, the invalid provision shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(b) The terms of this act regarding immigration shall have the meanings applied under federal immigration law.

(c) The provisions of this act shall be implemented in a manner consistent with federal laws regulating immigration and protecting the civil rights of all persons.