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Assembly
California Legislature



ASSEMBLY SPECIAL COMMITTEE ON
THE OFFICE OF THE ATTORNEY GENERAL

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December 28, 2016

Honorable Xavier Becerra
United States House of Representatives
1226 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Becerra:

Congratulations on Governor Brown's announcement that he intends to appoint you as California's next Attorney General after Attorney General Kamala Harris takes her seat in the United States Senate and vacates the office on January 3, 2017! Assembly Speaker Anthony Rendon has appointed us to chair the Special Committee on the Office of the Attorney General to consider the Governor's appointment and make a recommendation to the entire California Assembly.

In order to facilitate the Special Committee's deliberation of the Governor's appointment in early January, we request your assistance in providing information about your record and perspective on some of the critical issues confronting California today and over the next two years remaining in the Attorney General's term. We would like to understand how you may address these issues as our next Attorney General. We therefore have identified, in the attached document, five issue areas that likely will require the next Attorney General to act on behalf of all Californians. We anticipate that you share our concerns on these issues, so we would appreciate learning how you have addressed these issues, and intend to address them if we confirm your appointment.

In the next four years, Californians and our laws will encounter substantial challenges from the next President and his administration. Donald Trump has made multiple statements that directly contradict California law and policy. Our next Attorney General will have great responsibility for protecting Californians and our values, and defending our laws. If you become that Attorney General, your experience in Congress, the Assembly and the Attorney General's Office may offer understanding and expertise that California will need. Your experience and perspective on California's most critical issues therefore will be central to the Special Committee's deliberations.

We request that you submit a written response to our inquiry by Friday, January 6, 2017, so that we may review the information you provide before our committee hearing during the week of January 9. We look forward to hearing from you and discussing California's critical issues in the weeks ahead. If you have any questions, please contact us or our Special Committee staff.

Sincerely,

Handwritten signature of Reginald Byron Jones-Sawyer, Sr. in blue ink.

Reginald Byron Jones-Sawyer, Sr.
Co-Chair

Handwritten signature of Mark Stone in blue ink.

Mark Stone
Co-Chair

Assembly Special Committee on the Office of the Attorney General

Critical Legal Issues Facing California - December 2016

Immigration in California

State/Local Cooperation with United States Immigration & Customs Enforcement (ICE)

- *TRUST Act* (AB 4/2013): Prohibits a law enforcement official from detaining an individual on the basis of an ICE hold after that individual becomes eligible for release, unless the individual has been convicted of or charged with specified crimes.
- California Law Enforcement Decisions on Cooperation with ICE
- Sanctuary Cities/Universities in California

State Records Privacy, including Department of Motor Vehicles and gang member databases

Constitutional/Civil Rights

1st Amendment/Religious Freedom (*e.g.*, Trump proposal for Muslim registry)

1st Amendment/Freedom of Speech, including freedom of the press

Reproductive Freedom

- *Reproductive FACT Act* (AB 775/2015): Requires clinics and other facilities that provide family planning or pregnancy-related services to provide specified notices to clients.

Fighting Hate Crimes (Rapid Response Protocol)

Voting Rights: California has voter registration laws that encourage broad voter participation, in contrast to states with strict identification requirements that discourage voting.

Environmental Protection

California Climate Change Policies: California Global Warming Solutions Act of 2006 (AB 32), federal Clean Air Act, California's Renewable Portfolio Standard

Environmental Justice: safe drinking water, California Environmental Quality Act

Enforcement of California Environmental Law (*e.g.*, Proposition 65)

Environmental Jewels: coast (offshore oil drilling), federal lands (*e.g.*, the Sierra Nevada), the Delta

Natural Resource Damage Cleanup, including federal lands

Resource Extraction: fracking, interstate oil trains

Police Accountability/Transparency and Public Protection

Independent Attorney General Investigation Authority

Stop-and-Frisk Policies

Racial Profiling

- *Racial Identity and Profiling Act* (AB 953/2015): Modifies the definition of "racial profiling;" requires local law enforcement agencies to report information on stops to the Attorney General's office; and establishes the Racial and Identity Profiling Advisory Board.

Body Cameras and Public Access to Video

Firearm and Ammunition Regulation

Bail Reform – effect on indigent defendants

"Cal Gang Criminal Intelligence System" – questionable information and privacy rights

Consumer Protection

Consumer Privacy and Data Protection: on-line information protection; government data

Private Attorney General Act

Mortgage Foreclosure Relief

Elder Abuse: financial fraud and nursing home regulation