

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 580 (Durazo)
Version: March 26, 2025
Hearing Date: April 22, 2025
Fiscal: Yes
Urgency: No
ID

SUBJECT

Attorney General: immigration enforcement policies

DIGEST

This bill requires the Attorney General, on or before July 1, 2026 to publish model policies and guidance, audit criteria, and training recommendations for state and local agencies and the databases they operate relating to limiting assistance with immigration enforcement, and requires local and state agencies to adopt these policies, or an equivalent, by January 1, 2027.

EXECUTIVE SUMMARY

California is home to about 10.6 million immigrants. California's immigrant residents are important and valuable members of their communities, and help make the state a thriving, diverse, and healthy state. However, every non-citizen has some risk of being subject to immigration enforcement activities or deportation. This risk has serious effects on immigrant families. With a recent increase in immigration enforcement activity, these risks and the ways in which immigration enforcement activity interfere with the activities of various state functions have become an even greater concern for the state. SB 580 aims to limit state and local governments' assistance with immigration enforcement by requiring the Attorney General, on or before July 1, 2026, to publish model policies for state and local governments relating to their interaction with immigration authorities and limiting assistance with immigration enforcement. It also requires the Attorney General to publish guidance, audit criteria, and training recommendations for databases operated by state and local agencies in order to make the availability of information on those databases limited for the purpose of immigration enforcement. SB 580 requires that the Attorney General's model policies and guidance be adopted by local and state agencies by January 1, 2027. SB 580 is sponsored by California State Council of Service Employees International Union (SEIU California), and is supported by Bend the Arc: Jewish Action and the California Student Aid Commission. The Committee has received no timely letters of opposition. Should

the bill pass out of this Committee it will next be heard by the Senate Local Government Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Prohibits law enforcement agencies from using agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, place peace officers under the supervision of federal agencies, use immigration authorities as interpreters for law enforcement matters, transfer an individual to immigration authorities unless authorized by a judicial warrant, and provide office space exclusively dedicated to immigration authorities, and from contracting with the federal government for the use of law enforcement agency facilities to house individuals as federal detainees for the purposes of civil immigration custody, as specified. (Gov. Code § 7284.6.)
- 2) Requires the Attorney General, by April 1, 2018, and in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at public schools, public libraries, health facilities operated by the state or a political subdivision thereof, courthouses, Division of Labor Standards Enforcement facilities, the Agricultural Labor Relations Board, the Division of Workers Compensation, and shelters, to the fullest extent possible consistent with federal and state law, and ensure that public schools remain safe and accessible to all California residents, regardless of immigration status.
 - a) Requires all public schools, health facilities operated by the state or a political division thereof, and courthouses to implement the Attorney General's model policy, or an equivalent.
 - b) Encourages the Agricultural Relations Board, the Division of Workers' Compensation, the Division of Labor Standards Enforcement, shelters, libraries, and all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, to adopt the model policy. (Gov. Code § 7284.8.)
- 3) Requires the Attorney General to, by October 1, 2018, and in consultation with appropriate stakeholders, publish guidance, audit criteria, and training recommendations aimed at ensuring that any databases operated by state and local law enforcement agencies, including databases maintained for the agency by private vendors, are governed in a manner that limits the availability of information therein to anyone or any entity for the purpose of immigration enforcement, to the fullest extent practicable and consistent with federal and state law. (Gov. Code § 7284.8(b).)

- 4) Requires the Department of Corrections and Rehabilitation to, in advance of any interview between the United States Immigration and Customs Enforcement and an individual in the department's custody, provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that they may decline to be interviewed or may choose to be interviewed only with their attorney present. Requires the form be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean. (Gov. Code § 7284.10.)
- 5) Prohibits an employer from providing voluntary consent to an immigration enforcement agent to access, review, or obtain the employer's employee records without a subpoena or judicial warrant, except for access to I-9 employment eligibility verification forms or other documents for which a Notice of Inspection has been provided to the employer. Provides a civil penalty, enforceable by the Labor Commissioner or the Attorney General, for a violation of this prohibition. (Gov. Code § 7285.2.)

This bill:

- 1) Requires that the Attorney General publish, on or before July 1, 2026, model policies for state and local agencies relating to their interaction with immigration authorities and limiting assistance with immigration enforcement, consistent with federal and state law.
- 2) Requires a state or local agency to implement the Attorney General's model policies or an equivalent on or before January 1, 2027.
- 3) Requires, on or before July 1, 2026, that the Attorney General publish guidance, audit criteria, and training recommendations for databases operated by a state or local agency, including databases maintained for the agency by private vendors, in order to ensure that databases are governed in a manner that limits the availability of their information to anyone or any entity for the purposes of immigration enforcement to the fullest extent practicable, consistent with federal and state law.
- 4) Requires a state or local agency to adopt necessary changes to their database governance policies on or before January 1, 2027, consistent with the Attorney General's guidance.
- 5) Specifies that a rule, policy, or standard of general application issued by the Attorney General pursuant to this bill's requirements are not subject to the state's laws regarding administrative regulations and rulemaking.
- 6) Finds and declares that protecting state resources from federal immigration enforcement actions is a matter of statewide concern, and that the provisions described in (1) through (5), above, apply to all cities, including charter cities.

- 7) Specifies that its provisions are severable, and that any deemed invalidity of one provision shall not affect the validity of other provisions that can be given effect without the invalid provision.

COMMENTS

1. California's non-citizen residents are important members of their communities

California is home to about 10.6 million immigrants, accounting for 22% of the foreign-born population nationwide.¹ In 2023, 27% of the state's population was foreign born, the highest of any state.² Of California's immigrant population, about 1.8 million are undocumented, and 45% are non-citizens.³ Undocumented and non-citizen Californians are important members of their communities. Many attend California schools or are studying to enter fields greatly impacted by worker shortages, work in essential services, and play vital roles in their towns and cities. Undocumented Californians also contribute millions to the California economy and in taxes every year. They help make California a thriving, diverse, and healthy state.

The term "undocumented" generally refers to a person who is in the United States without immigration status from the federal government. Many undocumented Californians arrived to the United States when they were young, and have long been a part of their communities. About 76% of undocumented students arrived in the United States when they were children or adolescents, and those who arrived to the United States as adults on average have lived in the United States for eight years.⁴ Lacking immigration status can be incredibly limiting; without immigration status, individuals are usually ineligible for federal public benefits and federal student loans, and may become subject to a deportation proceeding by federal immigration authorities at any time. In addition, undocumented persons are generally not authorized to work in the United States.

An undocumented person may have entered the United States without any visa or immigration status, or they may have entered with an immigration status that has since expired. A person with a visa that is expiring is generally expected to renew or apply to adjust their status to a new category of immigration status, or depart the United States. However, many visas are only designed to be temporary, and eligibility for and availability of permanent immigration status – called lawful permanent residency, or a green card – is incredibly limited. Even those who qualify for a green card may have to

¹ Marisol Cuellar Mejia et al., Fact Sheet: Immigrants in California, Public Policy Institute of California (Jan. 2025), available at <https://www.ppic.org/publication/immigrants-in-california/>.

² *Id.*

³ *Id.*

⁴ American Immigration Council and Presidents' Alliance on Higher Education and Immigration, "Undocumented Students in U.S. Higher Education" (Jun. 2024), available at <https://www.higheredimmigrationportal.org/research/undocumented-students-in-higher-education-updated-march-2021/> (*hereafter* American Immigration Council).

wait a decade or even two decades to be able to receive it due to backlogs and administrative delays. Without immigration reform from Congress, the United States' immigration system continues to be broken and fails to provide meaningful opportunities for undocumented individuals and those who wish to stay in the United States to do so with immigration status.

2. Non-citizen Californians hold a variety of immigration statuses

In addition to undocumented individuals, many other individuals with various immigration statuses or visas call California home. Many have Deferred Action for Childhood Arrivals (DACA) status, a program created by President Obama in 2012 that provides temporary protection from deportation and the opportunity for employment authorization to certain undocumented youth who entered the United States as children and have completed, or are completing, some amount of school.⁵ Other California immigrants are international students who are in the United States on student visas that have strict requirements regarding their education and employment, or unaccompanied minors with Special Immigrant Juvenile Status (SIJS) due to abandonment, abuse, or neglect by one or both of their parents. In addition, others are recipients of immigration statuses like u-nonimmigrant status, t-nonimmigrant status, or asylum, which all provide temporary status and the ability to apply for lawful permanent residency. Others have lawful permanent residency, and simply have not obtained U.S. Citizenship yet or do not qualify for citizenship. In addition to these categories of immigration status, various other categories of status exist that are tied to the visa holder's employment, or are temporary visas for specific purposes.

3. Immigration enforcement poses significant risks of harm to undocumented and non-citizen Californians

Any person in the United States who is not a citizen has some level of risk that they could be deported from the United States. In order to be deported from the United States, an individual needs to be found to have triggered a ground of deportability. There are numerous grounds of deportability, such as making a false claim to U.S. Citizenship or being convicted of certain criminal offenses.⁶ An individual who is present in the United States without ever having been admitted or paroled into the United States by an immigration officer is deportable, as is an individual who has violated their immigration status or has had their immigration status expire. Thus, an undocumented person is always at risk of being subject to immigration enforcement activities by the federal government.

If an individual is apprehended by an official for immigration enforcement purposes, such as by an officer of Immigration and Customs Enforcement (ICE), the agency

⁵ *Id.*

⁶ See 8 U.S.C. § 1227.

responsible for enforcing the nation's immigration laws within the United States, or by an officer of Customs and Border Patrol (CBP), the agency responsible for inspecting and patrolling the nation's borders and ports of entry, and the officer believes the individual is undocumented or has done something to trigger a ground of deportability, they may be placed into a deportation proceeding before an immigration judge. Deportation proceedings are informal, administrative proceedings, in which an administrative law judge makes a determination of whether a respondent before the judge should be granted relief from deportation and some type of immigration status, such as asylee status, or be deported. While such proceedings often take years to resolve, the result of either failing to appear at such a proceeding or failing to defend against the government's charges of deportability is that the individual is ordered removed from the United States. So serious are the consequences of deportation proceedings that one immigration judge has called deportation proceedings "death penalty cases heard in traffic court."⁷ If an individual has an outstanding removal order, they may be detained and removed at any time, except in narrow circumstances.

In addition, under a process called expedited removal, if an immigration officer stops an individual who cannot provide documentation proving that they have legal status to reside in the United States and that they have been in the United States for a certain period of time, they may be removed through an expedited process without the ability to defend against their deportation before an immigration judge.⁸ For much of the time that expedited removal has existed, it was limited to stops within 100 miles of the United States border and cases in which the detained individual was unable to prove that they have resided in the United States for at least two weeks.⁹ However, under President Trump's first term, and again under his second term, expedited removal was expanded to be available throughout the entire United States, and to require that a detained individual must be able to prove that they have been in the United States for at least the past two years. When an individual is stopped by an immigration officer and placed in either expedited removal or a removal proceeding, they may be detained in immigration detention, sometimes indefinitely, while awaiting their case or deportation.

4. Increased immigration enforcement activity has significant impacts on those targeted by such enforcement and their families

President Trump, since re-entering the office, has promised to ramp up immigration enforcement and greatly increase deportations. Already, he has attempted to make due on this promise through various executive actions that have declared a national emergency at the southern border, halted refugee admission, expanded who

⁷ Dana Leigh Marks, "Immigration judge: death penalty cases in a traffic court setting," CNN (Jun. 26, 2014), <https://www.cnn.com/2014/06/26/opinion/immigration-judge-broken-system/index.html>.

⁸ 8 U.S.C. § 1225(b).

⁹ American Immigration Council, "Fact Sheet: A primer on expedited removal," (Feb. 2025), available at <https://www.americanimmigrationcouncil.org/research/expedited-removal>.

immigration enforcement officers can prioritize for deportation, expanded expedited removal, increased the hiring of immigration officers, and expanded immigration detention. In addition, the Trump Administration ended long-standing federal policy that limited immigration enforcement activity at “sensitive locations” like schools, places of worship, and courthouses.¹⁰

The consequences of the threat of immigration enforcement activity and these recent changes in policy regarding such activity are significant. Schools across the country are experiencing significant drops in school attendance as students and their families fear being stopped or questioned by immigration authorities at school.¹¹ In addition, research has shown that many immigrant youth experience high levels of mental health symptoms like anxiety, depression, and post-traumatic stress due to fears of immigration enforcement and separation from their family due to immigration enforcement.¹² Stressors related to immigration status and the risk of deportation negatively impact all aspects of an undocumented or non-citizen’s life. In addition, a deportation can severely impact the individual deported, sending them to a country in which they have not lived for many years or where they fear for their life, and separating them from their families. Family members of those subject to immigration enforcement often suffer as well, through the psychological pain of family separation as well as through financial strain and other hardships as a result.

5. California has consistently passed laws to limit the use of state resources for immigration enforcement activity

In response to increased immigration enforcement activity under the first Trump administration, the Legislature passed a number of laws related to immigration enforcement. One of the first measures was AB 450 (Chiu, Ch. 492, Stats. 2017), which prohibited an employer from providing voluntary consent to an immigration officer to enter a non-public area of the workplace without being provided a judicial warrant. AB 450 also prohibited an employer from providing immigration officers voluntary consent to access, review, or obtain an employer’s employee records without a subpoena or

¹⁰ See Benjamine C. Huffman, Memorandum: Enforcement Actions in or Near Protected Areas, Dept. of Homeland Sec. (Jan. 20, 2025), available at <https://www.nafsa.org/regulatory-information/dhs-rescinds-biden-protected-areas-enforcement-policy>; James A. Puleo, Memorandum: Enforcement Activities at Schools, Places of Worship, or at funerals or other religious ceremonies, Imm. & Nationality Svcs., HQ 807-P (May 17, 1993); Dept. of Homeland Sec., “Secretary Mayorkas Issues New Guidance for Enforcement Action at Protected Areas,” (Oct. 27, 2021), available at <https://www.dhs.gov/archive/news/2021/10/27/secretary-mayorkas-issues-new-guidance-enforcement-action-protected-areas>.

¹¹ Jasmine Garsd, “The prospect of immigration agents entering schools is sending shockwaves among communities,” NPR (Feb. 4, 2025), <https://www.npr.org/2025/02/04/nx-s1-5277170/schools-ice-immigration>.

¹² Randy Capps & Michael Fox, “How the fear of immigration enforcement affects the mental health of latino youth,” Migration Policy Institute (Dec. 2020), <https://www.migrationpolicy.org/news/how-fear-immigration-enforcement-affects-mental-health-latino-youth>.

judicial warrant, except for in the context of a valid request to review I-9 employment eligibility verification forms and related records.

The same year that AB 450 was passed, the Legislature also passed the California Values Act (SB 54, De León, Ch. 495, Stats. 2017). SB 54 limited local law enforcement agencies' sharing of inmate information with federal immigration agencies, and prohibited law enforcement agencies from using their resources for immigration enforcement or from cooperating in immigration enforcement activities. In addition, SB 54 required the Attorney General to publish various model policies regarding local entities' involvement or cooperation with immigration enforcement. These model policies included policies for limiting assistance with immigration enforcement at public schools, public libraries, health care facilities, courthouses, and various state agencies, which public schools, health facilities operated by the state, or courthouses were required to implement. The model policies also included policies relating to the operation of databases by state and local law enforcement agencies aimed at limiting the availability of information on the databases for the purpose of immigration enforcement. SB 54 encouraged, but did not require, all state and local law enforcement agencies to adopt the model policies. While SB 54 was challenged in court by the previous Trump administration, the Ninth Circuit upheld it as constitutional under the anti-commandeering doctrine of the Tenth Amendment, and the United States Supreme Court refused to disturb that decision. (*United States v. California* (2019) 921 F.3d 865; *United States v. California* (2020) 141 S. Ct. 124.)

6. SB 580 requires the Attorney General to create model policies for local governments to limit assistance with immigration enforcement

SB 580 builds upon the state's previous efforts to create model policies that limit the use of state resources for immigration enforcement. It requires the Attorney General, on or before July 1, 2026, to publish model policies for state and local agencies relating to their interaction with immigration authorities and to limiting assistance with immigration enforcement, and it requires state and local agencies to implement the model policies or an equivalent by July 1, 2027. In addition to model policies related to interacting with immigration authorities and limiting assistance with immigration enforcement, SB 580 would require the Attorney General to publish guidance, audit criteria, and training recommendations for databases operated by a state or local agency, including ones operated by a private entity for a state or local agency, to limit the availability of information on those databases for immigration enforcement. SB 580 would likewise require state and local agencies to change their database governance policies to be consistent with the Attorney General's guidance by January 1, 2027.

7. SB 580 is properly within the authority of the state

Under the United States Constitution, the federal government has exclusive authority over immigration law. (*Arizona v. U.S.*, (2012) 567 U.S. 387, 394.) Moreover, the

intergovernmental immunity doctrine of the Supremacy Clause prohibits state laws from discriminating against the federal government or burdening it in some way. (*United States v. California* (2019) 921 F.3d 865). However, the “anti-commandeering” principle of the Tenth Amendment prohibits the federal government from requiring state officials to enforce federal laws.¹³ Moreover, the Tenth Amendment of the United States Constitution provides states with general police powers and all other powers not explicitly delegated to the federal government.

SB 580 is clearly within these constitutional perimeters, as it simply directs the Attorney General to promulgate model policies. In addition, these model policies deal with immigration enforcement activities, and do not specifically target or discriminate against federal officials. The state and its agencies are not required to assist federal agencies under the Tenth Amendment, and to the degree that SB 580 directs local and state agencies to do anything, its provisions only relate to limiting such assistance. As the federal government cannot commandeer the states to help in the enforcement of federal laws, state laws may prescribe the ways in which they may not be commandeered to do so. Thus, SB 580 is well within the authority of the state and the limits and requirements of the United States Constitution.

8. Arguments in support

According to SEIU California, which is the sponsor of SB 580:

SEIU California is the largest public sector union in California, representing state workers, court workers, public college professors and students, publicly funded child care providers, public hospital staff, library staff, county social workers, public defenders and countless other municipal worker classifications throughout the state. These workers have chosen careers and were hired to work in these capacities and most have specific job descriptions and responsibilities, none of which include participating with federal immigration enforcement agencies. The labor of public sector workers should be respected with clear state policies that direct if, how and when to use their time on the job in support of a federal immigration action and limit those occasions to only those they are legally required to do so under federal law.

What’s more, the California public should be assured that public sector workers are using the best available and most legally sound instructions for how to safeguard their information from anyone that does not have authority to access it, which may, at times, include the Federal government.

¹³ See *United States v. California* (2019) 921 F.3d 865; *United States v. California* (2020) 141 S. Ct. 124 (upholding California’s SB 54 (De Leon, Ch. 495, Stats. 2017) under the anti-commandeering doctrine).

SB 580 achieves these objectives by building on California’s sanctuary state laws which codify our state’s ability to protect itself from the commandeering of our state’s resources for purposes other than what they were appropriated for.

SUPPORT

California State Council of Service Employees International Union (SEIU California)
(sponsor)

Bend the Arc: Jewish Action

California Student Aid Commission

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation:

SB 841 (Rubio, 2025) requires an employee of a courthouse, homeless shelter, rape crisis center, and domestic violence shelter from providing access to the site without the approval of the entity’s administrator and a valid judicial warrant, among other requirements. SB 841 is currently pending before this Committee.

SB 81 (Arreguín, 2025) includes immigration status in the definition of medical information for the purposes of the California Medical Information Act, prohibits a medical provider from disclosing medical information for immigration purposes, and requires medical providers to establish certain procedures relating to immigration enforcement at the provider’s site. SB 81 is currently pending before this Committee.

SB 48 (Gonzalez, 2025) prohibits a local educational agency and its personnel from granting an immigration official access to schoolsites without a judicial warrant, and from providing information about a student, their family and household, school employees, or a teacher without a judicial warrant. SB 48 also prohibits California law enforcement agencies from collaborating with, or providing any information about a student, the student’s family and household, a school employee, or a teacher to immigration authorities regarding immigration enforcement actions that could be or are taking place within a one-mile radius of any schoolsite. SB 48 is currently pending before the Senate Education Committee.

AB 419 (Connolly, 2025) requires the governing board or body of a local educational agency to post the “Know Your Educational Rights” guide developed by the Attorney General in the administrative buildings and on the website of the local educational agency and at each of its schoolsites, including in each language other than English that

the school is required to translate documents into pursuant to existing law. AB 419 is currently pending before the Assembly Education Committee.

AB 49 (Muratsuchi, 2025) prohibits school officials and employees of a local educational agency, or employees of a day care facility, from allowing a federal immigration officer to enter a schoolsite or day care facility for any purpose without providing valid identification, a written statement of purpose, and a valid judicial warrant, and without receiving approval from specified school officials, and limits an approved official's access to only facilities where students or children are not present. AB 49 is currently pending before the Assembly Education Committee.

Prior Legislation:

SB 54 (De León, Ch. 495, Stats. 2017) prohibited state and local law enforcement agencies from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, subject to exception, and required the issuance and adoption by various entities of model policies limiting assistance with immigration enforcement and limiting the availability of information for immigration enforcement.

AB 699 (O'Donnell, Ch. 493, Stats. 2017) included immigration status in the list of specified characteristics for which law states it is the policy of the State of California to provide equal rights and opportunities in the state's educational institutions, and prohibited school officials and employees of a school district, county office of education, or charter school from collecting information or documents regarding the citizenship or immigration status of pupils or their family members. Required specified school officials to take certain actions in response to requests for information or access to a schoolsite by an immigration officer for the purposes of immigration enforcement, required the Attorney General to publish, by April 1, 2018, model policies limiting assistance with immigration enforcement at public schools, and required all local educational agencies to adopt these model policies or equivalent policies.

AB 450 (Chiu, Ch. 492, Stats. 2017) prohibited an employer from providing voluntary consent to an immigration officer to enter a non-public area of the workplace without being provided a judicial warrant. AB 450 also prohibited an employer from providing immigration officers voluntary consent to access, review, or obtain an employer's employee records without a subpoena or judicial warrant, except for in the context of a valid request to review I-9 employment eligibility verification forms and related records.

AB 21 (Kalra, Ch. 488, Stats. 2017) required the Trustees of the California State University, the governing boards of community college districts, and independent institutions of higher education, and requested the Regents of the University of California, to take certain actions regarding immigration enforcement activities on

campus, including: refraining from disclosing personal information concerning students, faculty, and staff except under specified circumstances; advising all students, faculty, and staff to notify the office of the chancellor or president as soon as possible if they are advised that an immigration officer will or has entered campus to execute an immigration order; complying with a request from an immigration officer for access to a non-public area of campus only upon the presentation of a judicial warrant; and designating a staff person to serve as a point of contact for those who may be subject to immigration actions, among other requirements. Required such institutions of higher education to adopt and implement the model policy limiting assistance with immigration enforcement developed by the Attorney General, or an equivalent.

AB 4 (Ammiano, Ch. 570, Stats. 2013) limited local law enforcement's cooperation with Immigration and Customs Enforcement for requests to hold or transfer individuals for immigration enforcement, but for certain circumstances.
