

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

SB 841 (Rubio)
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Fiscal: Yes
Urgency: No
ID

SUBJECT

Immigration enforcement

DIGEST

This bill prohibits an employee of a homeless shelter, rape crisis center, domestic violence shelter, or human trafficking shelter from allowing access to the nonpublic areas of the site for immigration enforcement activity without a valid judicial warrant, as specified.

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 place to live. However, every non-citizen has some risk of being subject to immigration enforcement activities or deportation. This risk presents a serious stressor for many immigrants across California, and has serious negative financial and psychological effects on immigrant families. Recent increased immigration enforcement and federal policy changes regarding immigration enforcement at sensitive locations like shelters have further increased these fears. SB 841 aims to provide security for immigrants who rely on homeless shelters, rape crisis centers, human trafficking shelters, and domestic violence shelters for vital support and assistance by limiting when immigration enforcement may happen in the nonpublic spaces of such shelters and centers in the state. It prohibits an employee of such a shelter or rape crisis center from allowing access to the nonpublic areas of the site for immigration enforcement, unless the individual conducting the enforcement has a valid judicial warrant. SB 841 is sponsored by the California Network to End Domestic Violence, and is supported by numerous domestic violence shelters and organizations that work to combat domestic violence. The Committee has received no timely letters of opposition to this bill. Should SB 841 pass this Committee, it will next be heard by the Senate Public Safety 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; provide office space exclusively dedicated to immigration authorities; and contract 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 ensuring 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, by October 1, 2018, and in consultation with the appropriate stakeholders, to 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) Prohibits, except as otherwise required by federal law, an employer or person acting on their behalf from providing voluntary consent to an immigration enforcement agent to enter any nonpublic area of a place of labor, unless the agent provides a

judicial warrant, and specifies civil penalties for an employer who violates this prohibition. (Gov. Code § 7285.1.)

- 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) Prohibits, except as required by state or federal law or as required to administer a state or federally supported homeless shelter, an employee of a homeless shelter from, to the extent possible, allowing access to the nonpublic areas of the homeless shelter site for immigration enforcement activity without a valid judicial warrant or court order. Specifies that the director of the homeless shelter, or their designee, must grant access if provided with:
 - a) a valid identification;
 - b) a written statement of purpose; and
 - c) a valid judicial warrant.
- 2) Prohibits, except as required by state or federal law or as required to administer a state or federally supported rape crisis center, an employee of a rape crisis center from, to the extent possible, allowing access to the nonpublic areas of the rape crisis center site for immigration enforcement activity without a valid judicial warrant or court order. Specifies that the director of the rape crisis center, or their designee, must grant access if provided with:
 - a) a valid identification;
 - b) a written statement of purpose; and
 - c) a valid judicial warrant.
- 3) Prohibits, except as required by state or federal law or as required to administer a state or federally supported domestic violence shelter, an employee of a domestic violence shelter or human trafficking shelter from, to the extent possible, allowing access to the nonpublic areas of the domestic violence or human trafficking shelter site for immigration enforcement activity without a valid judicial warrant or court order. Specifies that the director of the domestic violence or human trafficking shelter, or their designee, must grant access if provided with:
 - a) a valid identification;
 - b) a written statement of purpose; and
 - c) a valid judicial warrant.

- 4) Defines, for the purposes of the provisions of (1) through (3), above, “immigration enforcement” as including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person’s presence in, entry, or reentry to, or employment in the United States.

COMMENTS

1. Author’s statement

According to the author:

Domestic violence shelters and other similar locations are meant to be places of healing and recovery for vulnerable individuals who have been attacked. But if fear keeps someone from walking through the door of these safe spaces that provide critical services, we as a society have failed them. It is clear that in the absence of compassionate federal policy, the state must take action to ensure domestic violence shelters and similar locations are seen as safe spaces for the vulnerable people who need their services.

Immigrant survivors of domestic violence already face many barriers to accessing support. Their immigration status and the threat of deportation can be used as a tool of coercive control by perpetrators of domestic violence and sexual assault, through threats of reporting survivors’ immigration statuses to ICE. This fear of ICE can have a significant effect in reducing the willingness of survivors to seek help.

SB 841 protects victims by requiring federal immigration agents show identification, provide a written statement of purpose, and present a judicial warrant before they can enter domestic violence shelters and other facilities protected under the bill. Fear keeps people trapped – and abusers know this. We cannot let the government become part of that abuse by further traumatizing victims.

2. California’s non-citizen population

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. Of California’s immigrant population, about 1.8 million are undocumented, and 45% are non-citizens. Undocumented and non-citizen Californians

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/>.

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 to live in.

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.² 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 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.

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

In addition to undocumented individuals, many other individuals with various immigration status 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, or are, completing some amount of school.³ Other California immigrants are

² 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).

³ *Id.*

international students, who are in the United States on student visas that have strict requirements regarding their education and employment, and 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.

U-nonimmigrant status, colloquially called a u-visa, is a category of temporary status that is available to survivors of crimes, such as domestic violence or assault, who cooperate with law enforcement in the investigation or prosecution of the crime and meet other requirements. The intent behind the u-visa program was to encourage undocumented individuals to report crimes and talk to the police without fear that they will suffer immigration-related consequences for doing so, thereby creating more trust between the undocumented community and police and strengthening law enforcement agencies' ability to fight crime and serve victims of crime. While the u-visa provides immigration status and the ability to obtain work authorization and eventually apply for a green card, there is typically a 10-year wait time to receive a visa due to restrictions in the number of u-visas that may be issued each year. While an applicant is waiting for their u-visa, they may have no protection or immigration status at all. Although previous administrations have aimed to provide some protections from deportation for u-visa applicants with approved applications who are simply waiting for a visa to be available, the Trump administration has demonstrated an inclination not to do so, and to continue with u-visa applicants' deportation for those in deportation proceedings.

Two other types of visas are also related to an applicant being a survivor of crime or domestic violence. One is t-nonimmigrant status, or the t-visa, which is available for some survivors of severe forms of labor or sex trafficking who can meet a number of other strict requirements, including proving that they would suffer extreme hardship involving unusual and severe harm if they were to be deported. Lastly, the Violence Against Women Act (VAWA) created the self-petition process for survivors of abuse at the hands of their United States citizen spouses or close family members, in which the applicant can "self-petition" for a green card without their abusive family member who otherwise would need to be the "petitioner" for their green card being involved in the process. All of these visas recognize the particular vulnerability of undocumented survivors of domestic violence and trafficking, and the value of helping remain in the United States and cooperate in criminal investigations into that crime.

4. The risks and harm that immigration enforcement activities pose 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.⁴ 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 immigration official, such as an officer of Immigration and Customs Enforcement (ICE), the agency responsible for enforcing the nation's immigration laws within the United States, or 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. So serious are the consequences of deportation proceedings that one immigration judge has called deportation proceedings "death penalty cases heard in traffic court."⁵ 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. 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.⁶ 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

⁴See 8 U.S.C. § 1227.

⁵ 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>.

⁶ 8 U.S.C. § 1225(b).

that they have resided in the United States for at least two weeks.⁷ 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.

5. The Trump administration's rescission of the "sensitive locations" memorandum threatens non-citizen and undocumented Californians who are survivors of crime or need access to the state's court system

Long-standing federal policy has limited immigration enforcement activity at "sensitive locations" like schools, places of worship, and funerals and other religious ceremonies.⁸ In 2021, the Biden administration strengthened this sensitive locations policy with new guidance that expanded what is considered a protected, sensitive location to include places like licensed daycare centers, medical facilities, places where children gather, crisis centers, disaster relief centers, community-based organizations, homeless shelters, and domestic violence shelters.⁹ However, on January 2025, the Trump Administration rescinded all sensitive locations policies, thereby eliminating the protections that the long-standing policy provided to many sensitive locations from immigration enforcement activity¹⁰.

The consequences of the threat of immigration enforcement activity and these recent changes in policy regarding such activity is 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

⁷ American Immigration Council, "Fact Sheet: A primer on expedited removal," (Feb. 2025), available at <https://www.americanimmigrationcouncil.org/research/expedited-removal>.

⁸ 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>.

⁹ 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>.

¹⁰ Benjamin 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>.

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>.

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. Deportation can also 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.

6. Recent California laws aim 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 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, various state agencies, and at homeless and domestic violence shelters. SB 54 required public schools, health facilities operated by the state, and courthouses to implement the model policies. The Attorney General's model policies regarding California homeless and domestic violence shelters include a number of policy recommendations, including that shelters create policies regarding monitoring and receiving visitors and identifying which areas of the facility are nonpublic.¹³ 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

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>.

¹³ Office of Attorney General, Promoting Safe and Secure Shelters for All, Dept. of Justice (Dec. 2024), available at <https://oag.ca.gov/immigrant/resources>.

Court refused to disturb that decision. (*United States v. California* (2019) 921 F.3d 865; *United States v. California* (2020) 141 S. Ct. 124.)

7. SB 841 aims to limit the state's cooperation with immigration enforcement actions

In light of the risks of immigration enforcement activity, SB 841 aims to require specified sensitive locations in California to limit their cooperation with immigration enforcement activity so that individuals utilizing those entities' services feel safe when doing so. The bill accomplishes this by prohibiting an employee of a homeless shelter, rape crisis center, domestic violence shelter, or human trafficking shelter from allowing access to the nonpublic areas of the shelter or center for immigration enforcement activity, unless the individual requesting access has a valid judicial warrant or court order. SB 841 also specifies that the director of the shelter or center must grant access if the individual requesting access for immigration enforcement purposes provides valid identification, a written statement of purpose, and a valid judicial warrant.

8. SB 841 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.) Although the Supremacy Clause of the United States forbids states from interfering with or enacting laws that conflict with immigration law, the "anti-commandeering" principle of the Tenth Amendment prohibits the federal government from requiring state officials to enforce federal laws.¹⁴ 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.

In addition, the fourth amendment of the United States Constitution guarantees all persons in the United States security against unreasonable searches and seizures, and requires judicial warrants be supported by probable cause. (U.S. Const., IV Amend.) The Fifth Amendment prohibits the federal government from depriving any person of life, liberty, or property without due process. (U.S. Const., V Amend.) Under the Fourth Amendment, government officers may not enter areas in which an individual has a "reasonable expectation of privacy" without a valid judicial warrant.

This bill relates to immigration enforcement activity at California's homeless shelters, rape crisis centers, human trafficking shelters, and domestic violence shelters. It prohibits access to the nonpublic areas of such sites, ensuring its reach only applies to the areas of such shelters in which an individual within the shelter would have a reasonable expectation of privacy. It also does not prohibit access if the individual engaging in immigration enforcement activity, whether a federal or state law

¹⁴ 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).

enforcement officer, has a valid judicial warrant. Limiting immigration enforcement activities at these sensitive sites will help ensure that these sites, and their employees and visitors, can focus on the mission of the site without the constant fear of immigration enforcement. As such, SB 841 serves an important purpose in ensuring equal access for all Californians vital community services.

9. Arguments in support

According to the California Partnership to End Domestic Violence, which is the sponsor of this bill:

At the heart of SB 841 is the recognition that no survivor of domestic or sexual violence or human trafficking should be threatened with arrest and deportation if they seek help and try to access safety. When survivors are not confident in their ability to safely access help, they may remain in domestic violence situations, may not seek help in the wake of sexual assault, and may face increased risk of harm as a result.

It is for this reason that federal policy has traditionally designated domestic violence shelters, homeless shelters, rape crisis centers, and human trafficking shelters as locations protected from immigration and customs enforcement. However, this longstanding policy was rescinded in January under the current presidential administration – and since then, these locations have reported a chilling effect and significant anxiety over this policy change.

Immigrant survivors of domestic violence already face many barriers to accessing support, and after the recent policy change, they may be even less likely to seek assistance due to the fear of detention and deportation. In addition, immigration status and the threat of deportation can be used as a tool of coercive control by perpetrators of domestic violence and sexual assault, through threats of reporting survivors' immigration statuses to immigration enforcement authorities. This fear of immigration authorities can have a significant effect in reducing the willingness of survivors to seek help. In a 2019 survey of domestic violence service providers, more than half reported working with survivors who withdrew civil or criminal legal cases against their abusers because of fear of immigration-related consequences.

It is clear that, in the absence of compassionate federal policy, the state must take action to ensure domestic violence shelters and similar locations are seen as safe spaces for the vulnerable people who need their services. SB 841 will insulate domestic violence shelters, homeless shelters, rape crisis centers, and human trafficking from unwarranted immigration enforcement by requiring employees at these locations to refuse entry to the non-public spaces of those locations by immigration authorities unless they can present valid identification, a written

statement of purpose, a valid judicial warrant, and written approval from the direction of the location or their designee. By making these changes to state law, SB 841 will help victims of domestic and sexual violence know that there is a safe space where they can be protected from their abusers.

SUPPORT

California Partnership to End Domestic Violence (sponsor)
Asian Americans for Community Involvement
Asian Women's Shelter
Center for Domestic Peace
Domestic Violence Solutions for Santa Barbara County
Empower Tehama
Family Violence Appellate Project
Family Violence Law Center
Gray's Trauma-informed Care Services Corp
Healthy Alternatives to Violent Environments
House of Ruth, Inc.
Housing California
Los Angeles LGBT Center
Lumina Alliance
Mountain Crisis Services
Peace Over Violence
Public Law Center
Safe Alternatives to Violent Environments
Shelter From the Storm, Inc.
The People Concern
Tri-valley Haven for Women
Valor US
WomenShelter of Long Beach
YWCA Golden Gate Silicon Valley

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation:

SB 307 (Cervantes, 2025) requires the Trustee of the CSU, and requests the Regents of the UC, to implement specified, additional policies to ensure that an undocumented student subject to an immigration order or deportation can retain their benefits and eligibility for in-state tuition. SB 307 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 a schoolsite, producing a pupil for questioning by an immigration authority at the schoolsite, or consent to a search of any kind at the schoolsite, unless the immigration authority presents a judicial warrant. 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 959 (Hurtado, 2019) would have defined "pupil," for the purposes of existing law that provides what school officials and employees of a school district cannot do with information related to the citizenship or immigration status of a pupil or their family members, and related provisions, to mean a child enrolled in a childcare or development program, transitional kindergarten, kindergarten, or the first through twelfth grades. SB 959 died in the Senate Education Committee.

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. *See* Comment 6, above.

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.

SB 674 (De Leon, Ch. 271, Stats. 2015) provided that, upon the request of a victim or victim's family member, a certifying official from a certifying entity, as defined, is required to certify "victim helpfulness" on the Form I-918 Supplement B (Form I-918B), when the victim was a victim of a qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection or investigation or prosecution of that criminal activity. This bill also specified timelines within which a certifying entity must process a Form I-918B request and required a certifying entity that receives a request for a Form I-918B certification to report to the Legislature on or before January 1, 2017, and annually thereafter, on the number of Form I-918B certifications requested, signed, and denied.

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.
