

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

AB 1544 (Krell)
Version: April 9, 2026
Hearing Date: June 23, 2026
Fiscal: Yes
Urgency: No
AM

SUBJECT

Court proceedings: media access

DIGEST

This bill prohibits a judicial officer, peace officer, or other law enforcement officer from blocking any member of the press or public from accessing a court facility that is open to the public and makes a violation of this prohibition subject to civil penalties under the Tom Bane Civil Rights Act.

EXECUTIVE SUMMARY

Public access to court proceedings is a hallmark of our democracy and the courts have found such access is permitted under both the federal and state constitution and by state law. The author and proponents of this bill observe that federal officials are imposing new barriers on reporters and other members of the public from observing immigration deportation proceedings in federal immigration courts. In response, this bill seeks to reinforce the public's right of access to trials and judicial proceedings in the state by prohibiting a judicial officer, peace officer, or other law enforcement officer from blocking any member of the press or public from accessing a court facility that is open to the public. The bill is author sponsored. No timely support was received by the Committee. The bill is opposed by the Riverside County Sheriff's Office.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Requires, unless otherwise specified in law, that the sittings of every court are to be open to the public. (Code Civ. Proc. § 124(a).)

- 2) Prohibits a court from excluding the public from a proceeding because remote access is available, unless it is necessary to restrict or limit physical access to protect the health or safety of the public or court personnel. (Code Civ. Proc. § 124(b).)
- 3) Provides, under the constitutions of both California and the United States, that in all criminal prosecutions, the accused has a right to a speedy and public trial. (U.S. Const., Amdt. 6; Cal. Const, Art. I, § 13.)
- 4) Provides, under U.S. Supreme Court case law, that the public has a First Amendment right to attend criminal trials.
 - a) However, this right is presumptive and not absolute. It may be overcome by a showing that closing the proceedings serves a higher interest and that closure is narrowly tailored to serve that interest. (See *Richmond Newspapers, Inc. v. Virginia* (1980) 448 U.S. 555; see also *Press Enterprise Co. v Superior Court of California* (1984) 464 U.S. 501, and *Press-Enterprise Co. v Superior Court of California* (1986) 478 U.S. 1.)
- 5) Provides, under the Tom Bane Civil Rights Act, that if a person or persons, whether or not acting under color of law, interfere or attempt to interfere, by threats, intimidation, or coercion, with the exercise or enjoyment of any rights secured by the Constitution or laws of the United States, or by the Constitution or laws of the state of California, the Attorney General, or any district attorney or city attorney, is authorized to bring a civil action for equitable relief and a civil penalty. (Civ. Code § 52.1(b).)
- 6) Permits a person whose exercise or enjoyment of rights were interfered with in violation of the Tom Bane Civil Rights Act to institute a civil action in their own name and on their own behalf for damages, as specified. (Civ. Code § 52.1(c).)
- 7) Provides that every court has the power to do specified things, including:
 - a) preserve and enforce order in its immediate presence;
 - b) provide for the orderly conduct of proceedings before it, or its officers; and
 - c) enforce order in the proceedings before it, or before a person or persons empowered to conduct a judicial investigation under its authority. (Code Civ. Proc. § 128(a).)

This bill:

- 1) Prohibits a judicial officer, peace officer, or other law enforcement officer from prohibiting a member of the press or public from entering a courtroom, court facility, or other location where a court proceeding that is open to the public is being conducted, except as necessary for the court to maintain order and manage proceedings pursuant to Section 128 of the Code of Civil Procedure, or any other applicable statute or rule of court.

- 2) Provides a judicial officer, peace officer, or other law enforcement may be subject to civil penalties pursuant to the Tom Bane Civil Rights Act for a violation of the prohibition in 1.
- 3) Specifies that nothing in this bill is to be construed to limit, restrict, or reduce any right of access provided by law.

COMMENTS

1. Stated need for the bill

The author writes:

As the U.S Supreme Court once wisely said, “People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.” *Richmond Newspapers, Inc. v. Virginia* 448 U.S. 555, 572 (1980). Both federal and California law have long valued open access to our court system. But in the wake of reporters, attorneys, and members of the public being blocked from immigration court, at a time when immigrants are being arrested at routine immigration check ins as well as state court appearances, we must fortify laws protecting access, so that the public may bear witness. Earlier this year I filed a lawsuit to push for basic transparency. AB 1544 ensures that we never backslide on our commitment to a free press and open and accessible courts.

2. This bill seeks to ensure access to court proceedings

Since the start of its second term, the Trump Administration has expanded immigration enforcement and altered the immigration system at an unprecedented scale. In the past year, Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) have conducted unprecedented, destructive sweeps of entire communities and cities. The author and proponents of this bill note that federal officials are imposing new, and possibly unconstitutional barriers, on reporters and other members of the public from observing immigration deportation proceedings in federal immigration courts. The author of this bill instituted a lawsuit in federal court against the Executive Office for Immigration Review under the Freedom of Information Act requesting documents and other information regarding immigration raids conducted at the John Moss Federal Building in Sacramento.¹ In May of last year, federal authorities conducted sweeping arrests of at least 39 people after they attended immigration court

¹ *Krell v. Executive Officer for Immigration Review*, Case No.: 2:26-cv-00395; Asm. Maggy Krell, Press Release, (Feb. 12, 2026), *New lawsuit demands transparency from federal immigration officers for abuses in Sacramento area*, available at <https://krell.asmdc.org/press-releases/20260212-new-lawsuit-demands-transparency-federal-immigration-officers-abuses>.

hearings in Sacramento at the John Moss Federal Building.² In June, more arrests occurred and federal authorities prohibited access to attorneys, family members, and journalists from observing immigration court hearings.³

In response, this bill prohibits a judicial officer, peace officer, or other law enforcement officer from blocking any member of the press or public from accessing a court facility that is open to the public. A judicial officer, peace officer, or other law enforcement person is subject to civil penalties under the Tom Bane Civil Rights Act for a violation of this prohibition.

The Tom Bane Civil Rights Act provides a right of action against a person who interferes with the rights of an individual afforded by the United States and California constitutions, and other federal and state laws, whether or not the person was acting under color of law. An action can be brought by the Attorney General or any district attorney or city attorney in California for injunctive and other equitable relief, “in order to protect the peaceable exercise or enjoyment of the right or rights secured.” The prosecuting entity may also seek a civil penalty of \$25,000 to be assessed individually against each person violating this law. Such penalties are provided to the individuals whose rights are determined to have been violated. The individual whose rights were violated is also authorized to bring an action on their own behalf for damages, injunctive relief, and other appropriate equitable relief to protect the peaceable exercise or enjoyment of the right or rights secured.

As noted above, the author’s concerns are federal immigration proceedings. However, the bill’s provisions apply only to state court proceedings because the state cannot dictate policy to the federal government. Though the state cannot force the federal government to allow access to immigration courts, denying such access flies in the face of longstanding U.S. Supreme Court precedent and basic tenets of our democracy. The Sixth Amendment of the U.S. Constitution grants the right to a “speedy and public trial” and that right belongs to the defendant. This safeguards the defendant by ensuring they receive a fair and open trial and are not subject to abuse by the judge or other court officers. The First Amendment to the U.S. Constitution protects the right of the public and the press to observe the actions of the government. The First Amendment does not include express language granting public access to trials; however, the U.S. Supreme Court has consistently held that public access to criminal trials is a necessary consequence to the freedoms of speech and press, but that the right is not absolute. (See *Richmond Newspapers, Inc. v. Virginia* (1980) 448 U.S. 555; see also *Press Enterprise Co. v Superior Court of California* (1984) 464 U.S. 501, and *Press-Enterprise Co. v Superior Court of California* (1986) 478 U.S. 1.) The court rulings noted that the

² Felicia Alvarez, Abridged (Feb. 12, 2026), *Sacramento lawmaker sues over arrests at ICE offices, alleges ‘coverup’*, available at <https://www.abridged.org/news/sacramento-lawmaker-sues-over-arrests-at-ice-offices-alleges-coverup/>.

³ *Ibid.*

presumption of a public trial may be overcome by showing that closing the proceedings serves a higher interest and that closure is narrowly tailored to serve that interest. (*Ibid.*)

California also protects the right to public trials. (See Article I, Section 13 of the California Constitution, which is the corollary to the Sixth Amendment of the U.S. Constitution.) Existing Section 124 of the Code of Civil Procedure, which this bill is amending, expressly allows public access to trials and judicial proceedings. The California Supreme Court has also held that the public has a state constitutional right to observe most court proceedings. (*NBC Subsidiary, Inc. v. Superior Court* (1999) 20 Cal. 4th 1178.)

3. Opposition statement

The Riverside County Sheriff's Office (RSO) writes in opposition

RSO recognizes and supports the important role of the press and public transparency within California's judicial system. However, AB 1544 raises significant operational, legal, and public safety concerns by imposing liability exposure upon sheriff personnel for courthouse-access decisions that are generally established and controlled by the judicial branch, not law enforcement agencies. [...]

Nevertheless, under AB 1544, deputies enforcing judicially established restrictions or courthouse operational protocols may face allegations that such enforcement interfered with a perceived statutory or constitutional right of access. This improperly places sheriff personnel in the untenable position of choosing between enforcing court directives and risking potential civil liability under the Bane Act. [...]

In closing, AB 1544 improperly shifts liability exposure onto sheriff personnel for judicially controlled access decisions over which law enforcement often has little or no policymaking authority. The bill creates operational uncertainty, increases litigation exposure, and undermines the ability of sheriff departments to safely and effectively maintain courthouse security.

SUPPORT

None received

OPPOSITION

Riverside County Sheriff's Office

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

SB 98 (McGuire, Ch. 759, Stats. 2021) made it clear that reporters may access areas shut off by police for a command post or similar during a protest, march, rally, etc.

AB 716 (Bennett, Ch. 526, Stats. 2021) among other things, established that, when courts are generally open to the public, the right of public access is not satisfied with a remote option – in-person access is mandatory absent a legal reason for closing a proceeding or courthouse, and any remote option may be provided in addition to, not instead of, in-person access.

PRIOR VOTES

Assembly Floor (Ayes 69, Noes 0)

Assembly Appropriations Committee (Ayes 13, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)
