

Date of Hearing: April 7, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 1544 (Krell) – As Amended March 17, 2026

As Proposed to be Amended

SUBJECT: COURT PROCEEDINGS: MEDIA ACCESS

KEY ISSUE: SHOULD THE LAWS PROTECTING PUBLIC ACCESS TO THE COURTS BE CLARIFIED AND MADE ENFORCEABLE UTILIZING THE BANE ACT?

SYNOPSIS

The First Amendment to the United States Constitution and provisions of the California Constitution, in addition to existing statutory law in California, have all been interpreted by courts to permit broad public access to observing court proceedings. Public access to the courts is integral to a legitimate and functioning judicial system. However, like many legal norms, the present federal administration is seeking to restrict the public's access to federal court, especially immigration courts. In addition to suing the federal government to ensure public access to the courts, the author of this bill contends that state law needs to be strengthened to ensure the public can access the courts.

To that end, as proposed to be amended, this bill clarifies that a judicial officer, peace officer, or other law enforcement officer cannot prohibit any 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 in accordance with existing law and applicable Rules of Court. This bill would make a violation of the above provisions punishable as a violation of the Tom Bane Civil Rights Act. Proposed amendments simply clarify that all members of the public and the press can access the courts and aim to avoid potential litigation surrounding the veracity of a person's media credential.

This bill is supported by California Civil Liberties Advocacy who highlight the important and long-standing right of the public to access the courts. The bill in print is opposed, unless amended, by the First Amendment Coalition. They worry that the bill in print is too narrow in that it references "duly authorized" members of the press when the First Amendment protects court access for all members of the public and press regardless of one's credentials. The proposed amendments, discussed at length in the body of the analysis, appear to address the First Amendment Coalition's concerns once they are adopted by the Committee.

SUMMARY: Clarifies and reinforces the statutory protections providing for public access to state court proceedings. Specifically, **this bill:**

- 1) Clarifies that a judicial officer, peace officer, or other law enforcement officer cannot prohibit any 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 in accordance with existing law and applicable Rules of Court.

- 2) Makes a violation of the provisions of 1) a punishable as a violation of the Bane Act.
- 3) Clarifies that nothing in the bill is to be construed as limiting, restricting, or reducing any right of access provided by law.

EXISTING LAW:

- 1) Requires, unless otherwise specified in law, the sittings of every court is to be open to the public. (Code of Civil Procedure Section 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 of Civil Procedure Section 124 (b).)
- 3) Provides, under the constitutions of both California and the United States, that in all criminal prosecutions, the accused shall a right to a speedy *and public* trial. (U.S. Constitution, Amendment 6; California Constitution, Article I, Section 13.)
- 4) Provides, under U.S. Supreme Court case law, that the public has a First Amendment right to attend criminal trials. Specifies, however, that this right is presumptive, not absolute, and that 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 that if a person or persons, whether or not acting under color of law, interferes by threat, intimidation, or coercion, or attempts to interfere by threat, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state, the Attorney General, or any district attorney or city attorney may bring a civil action for injunctive and other appropriate equitable relief in the name of the people of the State of California, in order to protect the peaceable exercise or enjoyment of the right or rights secured. An action brought by the Attorney General, any district attorney, or any city attorney may also seek a civil penalty of twenty-five thousand dollars (\$25,000). (Civil Code Section 52.1.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: Since the Trump administration returned to power, the U.S. Immigration and Customs Enforcement’s own website brags about arresting and commencing deportation proceedings against 26,000 people in 2025. The author and proponents of this bill note that federal officials are now imposing new, and potentially unconstitutional barriers, on reporters and other members of the public intending to observe deportation proceedings. Seeking to ensure access to the courts, this bill would prohibit 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. In support of the bill the author states:

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* (1980) 448 U.S. 555, 572.) Both federal and California law has 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.

The Public Trial Presumption. Under our constitutional system, the public trial is the product of the Sixth and the First Amendments of the Bill of Rights. Under the Sixth Amendment, the right to a “speedy and *public* trial” belongs to the defendant. It ensures that the defendant receives a fair and open trial, and thus is not subject to abuse by the judge or other court officers. The First Amendment, on the other hand, protects not the right of the *defendant*, but the right of *the public* to observe and monitor the law in action. Although the First Amendment does not expressly grant a right of public access to trials, the United States Supreme Court has held on multiple occasions that public access to criminal trials follows as a necessary corollary to the freedoms of speech and press. In subsequent rulings, the Court found that the right of public access also applies to jury selection and preliminary hearings. These rulings stressed, however, that the right of public access is presumptive, not absolute; the presumption 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.) California law similarly ensures public trials. Article I, Section 13 of the California Constitution mirrors the Sixth Amendment, guaranteeing the defendant’s right to a public trial. California Code of Civil Procedure Section 124, which this bill amends, protects the public’s right to access trials and judicial proceedings. Much like its federal counterpart, the California Supreme Court has also ruled that the public has a constitutional right to observe most court proceedings. (*NBC Subsidiary, Inc. v. Superior Court* (1999) 20 Cal. 4th 1178.)

This bill would clarify that the public is permitted to access state courts. Although the author’s primary target is the present federal administration’s refusal to adhere to decades of Supreme Court precedent, this bill would require state courts to maintain public access to courtrooms unless a compelling reason exists to prevent such access. The bill would clarify that no judicial officer, peace officer, or other law enforcement officer can prohibit the public from accessing and witnessing court proceedings. The bill recognizes existing exceptions to this requirement are found in both statute and the Rule of Court and provides that the bill does not supersede those provisions of law. This carve-out ensures that courts can maintain order and operate efficiently without disruption. Most notably, the bill utilizes the enforcement procedures of the Bane Act to permit a party to seek legal redress against the courts if they illegally deny a person or member of the press access to the court.

Proposed amendments ensure that this bill will not result in litigation surrounding the legitimacy of a person’s press credentials. The bill in print specifically protects access to the courts for a “member of a duly authorized representative of a news service, online news service, newspaper, radio or television station, network, news publisher, or court observer.” The First Amendment Coalition opposes the bill, unless amended, noting that this language may inadvertently undermine the public’s access to the court and may result in litigation over whether

or not a person is “duly authorized” as a member of the press. To avoid these complications, and in recognition of the broad-based right to observe the courts protected by the First Amendment, the author is proposing amendments to strike the provisions of the bill related to “duly authorized” members of the press and instead simply refer to the “press or the public.” Accordingly, subdivision (c) of the bill will now read:

(c) (1) A judicial officer, peace officer, or other law enforcement officer shall not prohibit ***any member of the press or public*** ~~duly authorized representative of a news service, online news service, newspaper, radio or television station, network, news publisher, or court observer~~ 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 ***or any other applicable statute or Rule of Court.***

~~(2) This subdivision does not exempt a person from complying with a rule or order of the court.~~

~~(2)-(3)~~ A violation of this subdivision may be subject to civil penalties pursuant to an action under Section 52.1 of the Civil Code.

Additionally, a new subdivision (d) will be added to the bill to clarify the bill is not intended to narrow any existing right of public access. That new subdivision will read:

(d) Nothing in this section shall be construed as limiting, restricting, or reducing any right of access provided by law.

Because the bill still defers to the Rules of Court regarding conduct of those watching court proceedings, nothing in the bill should undermine the court’s ability to police the conduct of those attending court proceedings.

Despite overwhelming case law, the federal government appears to be unlawfully barring access to the courts. However, state law cannot be applied to federal proceedings. As noted by the author, the impetus for this measure is the federal administration’s ongoing efforts to ignore the First Amendment and block public access to deportation and other immigration proceedings in federal court. Because the state cannot dictate policy to the federal government, unfortunately, this bill will not force the federal courts to change their behavior. However, it should be noted that blocking access to immigration courts not only violates longstanding United States Supreme Court precedent, but the federal judiciary’s own stated policies. In fact, the federal court’s own website clearly states, “The public may visit a federal court to watch each step of the federal judicial process, with few exceptions.” (<https://www.uscourts.gov/court-records/access-court-proceedings>.) This Committee has found no evidence that any federal court rule or policy provides for a blanket ban on the public observing immigration proceedings. Accordingly, it appears that any attempt to block public access to immigration proceedings is a violation of decades of legal precedent and the court’s own rules.

To that end, not only is the author of this bill seeking to press the issue of court access via legislation, she is also using the courts themselves. Indeed, in February the author sued the Executive Office for Immigration Review regarding their failure to turn over records related to court access (see, *Krell v. Executive Officer for Immigration Review*, Case No.: 2:26-cv-00395). Should the Assemblymember prevail, with her authored legislation and in court, the public should be able to gain significantly greater insight into the administration’s rationale for blocking public access to the courts in contravention of the First Amendment.

ARGUMENTS IN SUPPORT: California Civil Liberties Advocacy writes in support of the bill's protections for the media. They note:

A free and independent press is a cornerstone of a functioning democracy. AB 1544 reinforces First Amendment principles and promotes transparency in the judicial system by ensuring that authorized members of the media cannot be arbitrarily excluded from public court proceedings. Public confidence in the courts depends not only on fairness in outcomes, but also on openness within the process. This measure helps ensure that court proceedings remain accessible to the broader public through responsible journalistic coverage.

ARGUMENTS IN OPPOSITION: As noted the First Amendment Coalition is opposed to the in-print version of the bill. Although the proposed amendments appear to address their concerns, the Coalition states:

We thank the author for amending the bill on March 17 to move the language out of the penal code, as the first version of the bill form could have had negative consequences for the press that relies on the crucial access provisions of P.C. 409.7 when covering protests. However, additional amendments are needed because the bill as in print today suggests that the right of access to state court proceedings only belongs to "duly authorized" members of the press and "observers," when in fact the right of access belongs to all of us. It is especially important that journalists who serve as the eyes and ears of the public are not prevented from exercising their rights because they are deemed to not be a "duly authorized" representative.

Given these concerns we have asked for additional amendments and understand the author plans to accept language that we believe will clarify this bill is affirmative of existing rights of access and remedies. We appreciate the work the committee staff and author have done to address these concerns and with the anticipated amendments plan to move to neutral.

REGISTERED SUPPORT / OPPOSITION:

Support

California Civil Liberties Advocacy

Opposition

First Amendment Coalition (in-print version)

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