

## ASSEMBLY THIRD READING

AB 1544 (Krell)

As Amended April 9, 2026

Majority vote

**SUMMARY**

Clarifies and reinforces the statutory protections providing for public access to state court proceedings.

**Major Provisions**

- 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.

**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.

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.)

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 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.

### **According to the Author**

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 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.

### **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**

The First Amendment Coalition opposed a previous version of the bill. Although the recent amendments appear to address their concerns, the Coalition previously stated:

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.

## **FISCAL COMMENTS**

According to the Assembly Appropriations Committee, no significant state costs. The bill codifies and clarifies existing constitutional and statutory rights of public access to court proceedings. It does not create new programs, positions, or mandates requiring state expenditure. The civil penalty provision references the existing Bane Act enforcement framework and does not establish new penalties. To the extent the bill generates Bane Act litigation against courts or law enforcement officers who deny access to public proceedings, there could be minor costs to the courts (Trial Court Trust Fund) or to state or local agencies for defense of such claims. The Bane Act authorizes civil penalties of \$25,000 per violation when an action is brought by the Attorney General, a district attorney, or a city attorney, as well as private actions for damages. These costs are speculative and contingent on the volume of violations, which is expected to be minimal.

## **VOTES**

### **ASM JUDICIARY: 12-0-0**

**YES:** Kalra, Macedo, Lee, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

### **ASM APPROPRIATIONS: 13-0-2**

**YES:** Wicks, Hoover, Arambula, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Solache, Ta, Tangipa

**ABS, ABST OR NV:** Calderon, Muratsuchi

## **UPDATED**

VERSION: April 9, 2026

CONSULTANT: Nicholas Liedtke / JUD. / (916) 319-2334

FN: 0002395