

THIRD READING

Bill No: AB 1994
Author: Alvarez (D), et al.
Amended: 8/13/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/23/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 77-0, 5/27/26 - See last page for vote

SUBJECT: Defending Immigrant Victims Act

SOURCE: Author

DIGEST: This bill requires every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act to, at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter, inform each victim, or the victim's surviving relative, as specified, that they may have rights under applicable law related to immigration relief, and to provide or make available to each victim an "Immigrant Victims Rights and Resources" card.

ANALYSIS:

Existing federal law:

- 1) Provides for the U-Visa process which allows immigrant victims of certain crimes who have been helpful in a criminal investigation to qualify for a visa that can lead to a green card. (8 U.S.C, § 1101, subd. (a)(15)(U).)
- 2) Provides for the T-Visa process which allows certain human trafficking victims who assist law enforcement authorities in the investigation and prosecution of trafficking crimes. (8 U.S.C. § 1101, subd. (a)(15)(T)(i).)

Existing state law:

- 1) Establishes the Victim's Bill of Rights – also known as “Marsy's Law” – in the California Constitution, which sets forth various provisions regarding the rights of victims and their families in criminal cases. (Cal. Const., art.1, § 28.)
- 2) For the purposes of Marsy's Law, defines “victim” to include the spouse, parents, children, siblings or guardian of the person directly injured by a criminal act. (Cal. Const., art.1, § 28, subd. (e).)
- 3) Declares that criminal activity has a serious impact on the citizens of California and that the rights of victims and their families in criminal prosecutions are a subject of grave statewide concern. (Cal. Const., art.1, § 28, subd. (a)(1).)
- 4) Provides that a victim is entitled to be involved and updated, upon request, at various phases of their criminal case. (Cal. Const., art.1, § 28, subd. (b).)
- 5) Provides that whenever an individual who is a victim of or witness to a crime, or who otherwise can give evidence in a criminal investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or turn the individual over to federal immigration authorities absent a judicial warrant. (Pen. Code, § 679.015, subd. (b).)
- 6) Establishes specified statutory rights of victims and witnesses of crimes, including to be notified as soon as feasible that a court proceeding to which a victim or witness has been subpoenaed as a witness will not proceed as scheduled, as specified, and upon request, to be informed by the prosecutor of the final disposition of the case, as specified. (Pen. Code, § 679.02, subd. (a)(1)-(2).)
- 7) Establishes the right of the victim, the victim's parents or guardian if the victim is a minor, or the next of kin of the victim if the victim has died, to be notified of specified proceedings and to receive other case-related updates. (Pen. Code, § 679.02, subd. (a)(3)-(6), (11)-(15).)
- 8) Requires state and local agencies, as specified, to certify the “helpfulness” for the purposes of eligibility for a U-Visa, as specified. (Pen. Code, § 679.10)

- 9) Requires every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act to, at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, provide or make available to each victim of the criminal act without charge or cost a “Marsy Rights” card. (Pen. Code, § 679.026, subd. (c)(1).)
- 10) Requires the Attorney General (AG) to design and make available to an agency investigating or prosecuting a criminal act a Marsy Rights card, which shall contain the constitutional rights of crime victims, information on the means by which a crime victim can access Marsy’s Page, and a toll-free telephone number to enable a crime victim to contact a local victim’s assistance office. (Pen. Code, § 679.026, subd. (c)(3).)
- 11) Requires every law enforcement agency that investigates criminal activity to, if provided without cost to the agency by a specified non-profit organization, make available and provide to every crime victim a Victims’ Survival and Resource Guide pamphlet and/or video that has been approved by the AG, and requires the Victims’ Survival and Resource Guide and video to include an approved Marsy Rights card, a list of government agencies, nonprofit victims’ rights groups, support groups, and local resources that assist crime victims, and any other information which the AG determines might be helpful to victims of crime. (Pen. Code, § 679.026, subd. (c)(4).)
- 12) Requires every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act, at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, to inform each victim, or the victim’s next of kin if the victim is deceased, of the rights they may have under applicable law relating to the victimization, including rights relating to housing, employment, compensation, and immigration relief. (Pen. Code, § 679.027, subd. (a).)
- 13) Requires every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act to, at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, provide or make available to each victim of the criminal act without charge or cost a “Victim Protections and Resources” card, as specified. (Pen. Code, § 679.027, subd. (b)(1).)

- 14) Authorizes the Victim Protections and Resources card to be designed as part of and included with the Marsy Rights card, as specified. (Pen. Code, § 679.027, subd. (b)(2).)
- 15) Requires, by June 1, 2025, the AG to design and make available to an agency investigating or prosecuting a criminal act a Victim Protections and Resources card, which shall contain information in lay terms about specified victim rights and resources, including, among others types, information about federal immigration relief available to certain victims of crime. (Pen. Code, § 679.027, subd. (b)(2).)

This bill:

- 1) Strikes the provision of existing law requiring that the Victim Protections and Resources Card include information about federal immigration relief available to certain victims of crime.
- 2) Provides that no later than January 1, 2028, every enforcement agency investigating a criminal act and every agency prosecuting a criminal act, at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, must inform each victim, the victim's next of kin if the victim is deceased, or the victim's parent or guardian if the victim is a minor of the rights they may have under applicable law relating to immigration relief.
- 3) Requires every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act, at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, to provide or make available to each victim, the victim's next of kin if the victim is deceased, or the victim's parent or guardian if the victim is a minor, without charge or cost, an "Immigrant Victims Rights and Resources" card.
- 4) Provides that the Immigrant Victims Rights and Resources" card may be designed as part of, and included with, the "Marsy Rights" card described above.
- 5) Requires the AG, by January 1, 2028, to design and make available in English, Spanish, and any other language in which the "Marsy Rights" card is currently translated, a PDF or other imaging format to every applicable agency an "Immigrant Victims Rights and Resources" card, which shall contain

information in lay terms about immigrant victims rights and resources, including, but not limited to, all of the following:

- a) A statement about undocumented immigrants' potential eligibility for immigration relief options such as a U visa, T visa, relief under the Violence Against Women Act (VAWA), or other immigration relief as a potential victim of a qualifying crime.
- b) Notification that in order to remain eligible for a U visa or T Visa, qualifying victims must remain cooperative throughout the investigation or prosecution of the perpetrator.
- c) A statement about how they can consult an immigration attorney to help determine their eligibility for immigration relief.
- d) The internet website address of the list of immigration legal services providers maintained by the State Department of Social Services.

Comments

In the November 2008 election, California voters approved Proposition 9, also known as the Victim's Bill of Rights Act of 2008, or, more simply, "Marsy's Law." Prop 9 amended the California Constitution to provide additional rights to victims of crime, where a "victim" is defined as "a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term 'victim' also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The term 'victim' does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim." Generally, Marsy's law guarantees crime victims the rights to be treated with dignity and respect, to be notified of and participate in court proceedings, to be heard at key stages, and to receive restitution and protection from the accused.

Many Marsy's Law provisions were also codified in statute, including a requirement that every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act must, at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, provide or make available to each victim of the criminal act without charge or cost a "Marsy Rights" card. The Marsy Rights card enumerates the constitutional rights of crime

victims, provides information to access Marsy's Page, and provides a toll-free telephone number to enable a crime victim to contact a local victim assistance office. In 2022, the Legislature enacted AB 160 (Committee on Budget, Chapter 771, Statutes of 2022), which similarly required an agency investigation or prosecuting a crime to provide crime victims with a Victim Protections and Resources card. This card is required to contain additional information about victim-related rights, including rights relating to housing, employment, compensation, as well as "information about federal immigration relief available to certain victims of crime." AB 160 authorized this card to be designed as part of, and included with the Marsy's Law card. However, AB 160 ultimately never received funding.

Consequently, this bill seeks to ensure that undocumented victims get the information they need regarding any federal immigration relief available by requiring the production and distribution of a card modeled after the Victim Protection and Resources card referenced above. Specifically, this bill requires every law enforcement agency investigating or prosecuting a criminal act to inform each victim of the rights they may have under applicable law relating to immigration relief. This bill specifies that such information must be provided at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter as is appropriate, and must be provided to the victim's next of kin if the victim is deceased or to the victim's parent or guardian if the victim is a minor. Within the same time constraints, investigators or prosecutors must provide or make available an "Immigrant Rights and Resources" (IRR) card, which may be designed as part of, or included with the Marsy Rights card.

Another provision of this bill requires the Attorney General to design and distribute the IRR card to all relevant agencies by January 1, 2028, and include the following information therein: 1) a statement about undocumented immigrants' potential eligibility for immigration relief options such as a U visa, T visa, relief under VAWA, or other immigration relief as a potential victim of a qualifying crime, 2) notification that in order to remain eligible for a U visa, qualifying victims must remain cooperative throughout the investigation or prosecution of the perpetrator, 3) a statement about how they can consult an immigration attorney to help determine their eligibility for immigration relief, and 4) the internet website address of the list of immigration legal services providers maintained by the State Department of Social Services.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

Minor costs to the Department of Justice to design the Immigrant Victims' Rights and Resources card.

Minor to moderate costs to state law enforcement agencies to produce and distribute the Immigrant Victims' Rights and Resources card, as specified.

Potentially significant cost to local law enforcement agencies to produce and distribute Immigrant Victims' Rights and Resources cards. Actual reimbursement would be determined by the Commission on State

SUPPORT: (Verified 8/13/26)

American Association of University Women - California
California Partnership to End Domestic Violence
Californians for Safety and Justice (CSJ)
California Federation of Teachers

OPPOSITION: (Verified 8/13/26)

None received

ASSEMBLY FLOOR: 77-0, 5/27/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: DeMaio, Gallagher, Celeste Rodriguez

Prepared by: Alex Barnett / PUB. S. /
8/17/26 10:47:33

**** END ****