

Date of Hearing: April 21, 2026

Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2230 (Ávila Farías) – As Amended April 7, 2026

As Proposed to be Amended in Committee

SUMMARY: Expands the crime of a uniformed peace officer, private guard, or security personnel being stationed in the immediate vicinity of a polling place without written authorization to include an officer or agent of a federal law enforcement agency, as specified. Specifically, **this bill:**

- 1) Expands the prohibition against a person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, being stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate city or county elections official, to include any uniformed “law enforcement officer” or person wearing a uniform of a “law enforcement officer.”
- 2) Defines “law enforcement officer” to mean either of the following:
 - a) A peace officer as defined.
 - b) An officer or agent of a federal law enforcement agency or any person acting on behalf of a federal law enforcement agency.
- 3) Provides that, notwithstanding the definition of “immediate facility” that generally applies to voter intimidation crimes, “immediate vicinity,” for purposes of the above offense, includes a building in which a polling place is situated, and 100 feet from any entrance or exit to the building, a parking facility for the building, and the ingress or egress for a vehicle to the parking facility.
- 4) Prohibits, except as required by state or federal law or as required to administer a state or federally supported early care and learning program, employees of a licensed child daycare facility from allowing an officer or employee of an agency conducting immigration enforcement to enter a nonpublic area of a licensed child daycare facility without being presented with a valid judicial warrant or judicial subpoena, or a court order.
- 5) Requires an employee of a licensed child daycare facility, to the extent practicable, to request a valid identification from an officer or employee of an agency conducting immigration enforcement seeking to enter a nonpublic area of a licensed child daycare facility.

- 6) Specifies that this shall not be construed to limit a licensed child daycare facility's or employee's right to consult with counsel or challenge the validity of a warrant, subpoena, or court order in a court of competent jurisdiction.
- 7) Includes a severability clause.

EXISTING STATE LAW:

- 1) Makes it a felony to interfere with the officers holding an election or conducting a canvass, as to prevent the election or canvass from being fairly held and lawfully conducted, or with the voters lawfully exercising their rights of voting at an election, punishable by imprisonment for 16 months or two or three years. (Elec. Code, § 18502, subd. (a).)
- 2) Makes it a felony to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election as specified, punishable as a felony by 16 months or two or three years. (Elec. Code, § 18540, subd. (a).)
- 3) Makes it a felony for any person to hire or arrange for any other person to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, as specified, punishable by 16 months or two or three years. (Elec. Code, § 18540, subd. (b).)
- 4) Prohibits a person from, with the intent of dissuading another person from voting, within a 100-foot limit of the entrance to a building containing a polling place, as specified, from engaging in certain conduct, such as soliciting a vote, speaking to a voter about marking the voter's ballot, or placing a sign relating to the voter's qualifications, and punishes this offense as an alternate-felony misdemeanor (wobbler) punishable by imprisonment for up to 12 months in county jail or by 16 months, or two or three years in state prison, and as a felony if a person conspires to commit this offense. (Elec. Code, § 18541, subd. (a) & (d).)
- 5) Prohibits a person, with the intent of dissuading another person from voting, from, within the immediate vicinity of a voter in line to cast a ballot or drop off a ballot, soliciting a vote, speaking to a voter about marking the voter's ballot, or disseminating visible or audible electioneering information, and punishes this offense as wobbler, punishable by up to one year in county jail or by 16 months, or two or three years in state prison, and as a felony if a person conspires to violate this offense. (Elec. Code, § 18541, subd. (c) & (d).)
- 6) Prohibits a person from knowingly challenging a person's right to vote without probable cause or on fraudulent or spurious grounds, or from engaging in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voters from voting or to delay the process of voting, or from fraudulently advising any person that they are not eligible to vote or is not registered to vote when in fact that person is eligible or is registered, and punishes this offense as a wobbler by up to one year in county jail, or by 16 months, or two or three years in state prison, and as a felony if a person conspires to violate this offense. (Elec. Code, § 18543.)

- 7) Punishes any person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, who is stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate city or county elections official by a fine of up to \$10,000, as a wobbler by imprisonment for up to one year in county jail or 16 months, or two or three years, or by both that fine and imprisonment. (Elec. Code, § 18544, subd. (a).)
- 8) Specified that the offense described in the immediately preceding paragraph does not apply to any of the following:
 - a) An unarmed uniformed guard or security personnel who is at the polling place to cast their vote.
 - b) A peace officer who is conducting official business in the course of their public employment or who is at the polling place to cast their vote.
 - c) A private guard or security personnel hired or arranged for by a city or county elections official.
 - d) A private guard or security personnel hired or arranged for by the owner or manager of the facility or property in which the polling place is located, if the guard or security personnel is not hired or arranged solely for the day on which an election is held. (Elec. Code, § 18544, subd. (b).)
- 9) Punishes any person who hires or arranges for any other person in possession of a firearm or any uniformed law enforcement officer, private guard, or security personnel or any person who is wearing a uniform of a law enforcement officer, guard, or security personnel, to be stationed in the immediate vicinity of, or posted at, a polling place or a county elections office without written authorization of the appropriate elections official or written authorization by a federal court order, as a wobbler by imprisonment in a county jail for up to one year, up to a \$10,000 fine, or by both that fine and imprisonment, or by imprisonment for sixteen months, or two or three years and by a fine up to \$10,000. (Elec. Code, § 18545, subd. (a).)
- 10) Defines “law enforcement officer,” for purposes of the above crime, to mean a peace officer, as defined, or an officer or agent of a federal law enforcement agency, or any person acting on behalf of a federal law enforcement agency. (Elec. Code, § 18545, subd. (c).)
- 11) Defines “immediate vicinity,” for purposes of the above crimes related to intimidation of voters, to mean “the area within a distance of 100 feet from the room or rooms in which the voters are signing the roster and casting ballots.” (Elec. Code, § 18546, subd. (b).)
- 12) Prohibits, except as otherwise required by federal law, a public and private employer, or person acting on behalf of the employer, 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, enforceable by the Labor Commissioner or the Attorney General (AG), for an employer who violates this prohibition. (Gov. Code, § 7285.1.)

- 13) Provides that the above prohibition does not preclude an employer from taking the agent to a nonpublic area, where employees are not present, to verify whether the agent has a warrant, provided that no consent to search the nonpublic areas is given in the process. (Gov. Code, § 7285.1, subd. (c).)
- 14) Prohibits, except as otherwise required by federal law, a public or private 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, and establishes specified civil penalties for a violation of this prohibition. (Gov. Code, § 7285.2.)
- 15) Establishes protections for licensed child daycare facilities against immigration enforcement actions, as follows:
 - a) Prohibits, except as required by state or federal law or as required to administer a state or federally supported educational program, licensed child daycare facilities from collecting information or documents regarding the citizenship or immigration status of children or their family members, as specified. (Health & Saf. Code, § 1597.640, subd. (a).)
 - b) Requires a licensee or administrator of a licensed child daycare facility, as applicable, to report to the State Department of Social Services and Attorney General any requests for information or access to the facility by an officer or employee of a law enforcement agency, for the purpose of immigration enforcement. (Health & Saf. Code, § 1597.640, subd. (b)(1)(A).)
 - c) Requires the Attorney General, by April 1, 2026, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at licensed child daycare facilities and license-exempt California state preschool program facilities to the fullest extent possible consistent with federal and state law, and ensuring that those facilities remain safe and accessible to all California residents, regardless of immigration status. The Attorney General shall, at a minimum, consider all of the following issues when developing the model policies:
 - i) Procedures related to requests for access to facility grounds for purposes related to immigration enforcement.
 - ii) Procedures for facility employees to notify the licensee or administrator of the facility, as applicable, if an individual requests or gains access to facility grounds for purposes related to immigration enforcement.
 - iii) Procedures for responding to requests for personal information about children or their family members for purposes of immigration enforcement. (Health & Saf. Code, § 1597.640, subd. (f)(1).)
 - d) Provides that, notwithstanding the rulemaking provisions of the Administrative Procedure Act, the Department of Justice may implement, interpret, or make specific this section without taking any regulatory action. (Health & Saf. Code, § 1597.640, subd. (f)(2).)

- e) Requires the State Department of Social Services to inform licensed child daycare facilities, and the State Department of Education to inform license-exempt California state preschool program facilities, of the model policies published by the Attorney General. (Health & Saf. Code, § 1597.640, subd. (g).)

EXISTING FEDERAL LAW

- 1) Prohibits a person, whether acting under color of law or otherwise, from intimidating, threatening, or coercing any person, or attempting to intimidate, threaten, or coerce any person for voting or attempting to vote, as specified. (52 U.S.C. § 10307, subd. (b).)
- 2) Prohibits a person employed in any administrative position by the United States, or any department of agency thereof, in connection with any activity which is financed by loans or grants made by the United States, from using their official authority for the purposes of interfering with or affecting the election of any candidate to specified elective offices, and punishes this offense by imprisonment for up to one year. (18 U.S.C. § 595.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “ICE has terrorized California residents, U.S. citizens and non-citizens alike, through untargeted arrests and brutality based on nothing more than a person’s racial appearance, language spoken, occupation, and exercise of First Amendment-protected expression.

“Political provocateurs, including advisors to the President of the United States, have suggested that ICE agents will be ordered to surround vote centers and polling locations to intimidate immigrants and others from exercising their constitutional right to vote. We’ve also seen children held hostage and used as bait to lure family members from their homes.

“Exercising your constitutionally guaranteed right to vote should not be discouraged by a rogue federal organization whose task is to sow fear, intimidation and violence in California communities. Families do not deserve to face fear, uncertainty, and potential disruptions to their children’s education and lives. Childcare facilities should remain safe locations where all children, regardless of immigration status, can learn and thrive without fear of enforcement actions.

“AB 2230 will ensure that childcare facilities and voting centers are free from violence and intimidation by prohibiting ICE agents from surrounding or entering these spaces.”

- 2) **Background:**

- a) *Rescission of the DHS Sensitive Locations Memo*

DHS previously had standing guidance prohibiting immigration authorities from conducting enforcement actions in certain “sensitive locations,” including schools, hospitals, and churches, unless exigent circumstances existed, prior approval was obtained, or other law

enforcement actions had led officers to a sensitive location, as specified.¹ In 2021, the Biden Administration issued a memo expanding these sensitive places to include, as pertains to this bill, social service establishments, such as a crisis center, domestic violence shelter, victims services center, child advocacy center, supervised visitation center, family justice center, community-based organization, facility that serves disabled persons, homeless shelter, drug or alcohol counseling and treatment facility, or food bank or pantry or other establishment distributing food or other essentials of life to people in need.² In justifying the directive, the memo stated the “need to consider the fact that an enforcement action taken near – and not necessarily in—the protected area can have the same restraining impact on an individual’s access to the protected area itself. ... The fundamental question is whether our enforcement action would restrain people from accessing the protected area to receive essential services or engage in essential activities.”³

On January 21, 2025, acting DHS Secretary Benjamin Huffman rescinded the Biden directive stating that it “thwart[ed] law enforcement in or near so-called ‘sensitive’ areas.”⁴ On January 31, 2025, DHS issued a new directive stating they were “not issuing rules regarding where immigration laws are permitted to be enforced. Instead... the ICE Director charges Assistant Field Office Directors and Assistant Special Agents in Charge with responsibility for making case-by-case determinations regarding whether, where, and when to conduct an immigration enforcement action in or near a protected area.”⁵ In March, ICE reverted to the 2021 policy, but only in relation to places of worship. (*Ibid.*)

b) *Increased Federal Immigration Enforcement*

President Trump vowed to carry out the largest deportation program in U.S. history during his second term. The White House previously set a goal of 1 million annual deportations.⁶ On January 20, 2025, the President issued an order titled “Protecting the American People Against Invasion.” The order states that “[i]t is the policy of the United States to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people. Further, it is the policy of the United States to achieve the total and efficient enforcement of those laws, including through lawful incentives and detention capabilities.”⁷ Notable provisions of this order include: 1) directing the Department of Homeland Security (DHS) to set enforcement priorities, emphasizing criminal histories; 2) establishing Homeland Security Task Forces in each state; 3) requiring all noncitizens to register with DHS, with civil and criminal penalties for failure to register; 4) directing DHS to collect all civil fines and penalties from undocumented individuals, such as for unlawful entry or attempted unlawful entry; 5)

¹ U.S. Immigration and Customs Enforcement, *Memorandum: Enforcement Actions at or Focused on Sensitive Locations* (Oct. 24, 2011), available at: <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>

² *Id.* at p. 45.

³ *Ibid.*

⁴ U.S. Department of Homeland Security, *Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole*, January 21, 2025 available at: <https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse>.

⁵ U.S. Department of Homeland Security, *ICE Directive Common Sense Enforcement Actions in or Near Protected Areas*, January 31, 2025 available at: <https://www.ice.gov/about-ice/ero/protected-areas>.

⁶ Politico, *Trump got \$170 billion for immigration. Now he has to enact it* (July 5, 2025), available at: <https://www.politico.com/news/2025/07/05/trump-got-170-billion-for-immigration-now-he-has-to-enact-it-00439785>

⁷ The White House, *Protecting the American People Against Invasion* (Jan. 20, 2025), available at: <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>

expanding the use of expedited removal; 6) building more detention facilities; 7) encouraging federal/state cooperation, as specified; 8) encouraging voluntary departure, as specified; 9) limiting access to humanitarian parole and Temporary Protected Status; 10) directing the U.S. AG and DHS to ensure that “sanctuary” jurisdictions do not receive access to federal funds; 11) reviewing federal grants to non-profits assisting undocumented persons and denying public benefits to undocumented persons; and 12) hiring more U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) officers.⁸

On July 4, 2025, President Trump signed the One Big Beautiful (OBB) Act, a massive domestic policy bill that, among other provisions, allocates more than \$170 billion for immigration enforcement through 2029.⁹

Immigration arrests have significantly increased since President Trump’s second term began.¹⁰ ICE removals in California were substantially similar to the numbers from the previous year in the first few months of Trump’s second term; however, beginning in the summer, removals significantly ramped up.¹¹ Data indicates that ICE deported at least 8,250 people from California in the first nine months of 2025.¹² From June 6 to June 22, 2025, federal immigration enforcement teams arrested 1,618 immigrants for deportation in Los Angeles and the surrounding Southern California regions.¹³ In response to the protests, President Trump deployed National Guard troops and Marines to L.A. over the objections of state officials.¹⁴ In September and October of 2025, federal immigration officers arrested more than twice as many people in the region of San Diego as they did in the entirety of 2024.¹⁵

Such aggressive immigration enforcement efforts have resulted in an uptick in immigration-enforcement-related deaths, including the January 24, 2026, shooting of Alex Pretti by U.S. Customs and Border Protection (CBP) officers.¹⁶ Recent reporting found that it is the deadliest year for those in immigration detention in over two decades.¹⁷ Since October 23rd, 2025, more people have died in ICE custody than in the entire prior fiscal year.¹⁸ The rapid

⁸ *Ibid.*

⁹ Explainer, *One Big Beautiful Bill Act: Immigration Provisions* (July 7, 2025), available at: <https://forumtogether.org/article/one-big-beautiful-bill-act-immigration-provisions/>

¹⁰ Albert Sun, *Immigration Arrests Are Up Sharply in Every State. Here Are the Numbers*, New York Times (June 27, 2025), available at: <https://www.nytimes.com/interactive/2025/06/27/us/ice-arrests-trump.html>

¹¹ Mathew Miranda, *ICE deportations in California surged in the thousands as 2025 went on*, Sacramento Bee (Jan. 12, 2026), available at: <https://www.sacbee.com/news/california/article314213552.html>

¹² *Ibid.*

¹³ Andrea Castillo, *More than 1600 immigrants detained in Southern California this month, DHS says*, Los Angeles Times (June 25, 2025), available at: <https://www.latimes.com/politics/story/2025-06-25/more-than-1-600-immigrants-detained-in-southern-california-this-month-dhs-says>

¹⁴ Bill Hutchinson, *LA protests timeline: How ICE raids sparked demonstrations and Trump to send in the military*, ABC News (June 11, 2025), available at: <https://abcnews.go.com/US/timeline-ice-raids-sparked-la-protests-prompted-trump/story?id=122688437>.)

¹⁵ Fry and Uzcategui-Ligget, *Immigration Arrests surge by 1,500% in San Diego: ‘I feel the temperature rising’*, Cal Matters (Jan. 29, 2026), available at: <https://calmatters.org/justice/2026/01/san-diego-immigration-arrest-surge/>

¹⁶ David McSwane, *Two CBP Agents Identified in Alex Pretti Shooting*, ProPublica (Feb. 1, 2026), available at: <https://www.propublica.org/article/alex-pretti-shooting-cbp-agents-identified-jesus-ochoa-raymundo-gutierrez>

¹⁷ Bustillo and Mukherjee, *Immigration detention on track for deadliest fiscal year since 2004*, NPR (March 10, 2026), available at: <https://www.npr.org/2026/03/10/g-s1-111238/immigration-detention-deaths-custody>

¹⁸ *Ibid.*

increase in immigration arrests has contributed to overcrowding, unsanitary conditions, and issues related to healthcare and food access in detention centers.¹⁹

Ahead of this year's midterm elections, there have been reports that federal immigration agents could be placed at polling sites this fall.²⁰ In response to these reports, DHS has stated that ICE agents will not be patrolling polling places during the midterms.²¹ Those reports, however, have raised concerns over voter intimidation and voter turnout. The California Attorney General's office similarly reports that

- 3) **Effect of this bill:** This bill makes changes to California's law relating to polling places, as well as licensed child daycare facilities. Regarding polling places, existing law prohibits any person in possession of a firearm, any uniformed peace officer, private guard, or security personnel, or any person who is wearing a uniform of such persons, from being stationed in the immediate vicinity of a polling place without the written authorization of a specified elections official. This offense is a wobbler punishable by imprisonment for up to one year in county jail, 16 months, or two or three years. (Elec. Code, § 18544, subd. (a).) This offense does not apply to a peace officer, unarmed guard or security personnel who is casting their vote, a peace officer conducting official business in the course of their public employment, a private guard or security personnel hired or arranged by a city or county elections official, or a guard or security personnel hired or arranged by the owner or manager of the facility or property if they are not hired solely for the day of the election. (Elec. Code, § 18544, subd. (b).) This statute is substantially similar to a separate statute, which punishes any person who *hires or arranges* for any of the above persons to be stationed in the immediate vicinity of the polling place without written authorization. (Elec. Code, § 18545, subd. (a) & (c).) This statute is similarly punishable as a wobbler. Last year, SB 851 (Cervantes), Chapter 238, Statutes of 2025, expanded this prohibition against hiring or arranging for specified prohibited persons to be stationed at a polling place to apply to federal law enforcement officers. It additionally modified the provision requiring written authorization from an elections official to also allow for written authorization by a federal court order. (Elec. Code, § 18545, subd. (a).)

This bill similarly expands the prohibition against specified personnel being posted in the immediate vicinity of a polling place to apply to federal officers. Like SB 851 (Cervantes), Chapter 238, Statutes of 2025, it expands this offense to include a uniformed "law enforcement officer," or a person wearing a uniform of a "law enforcement officer," which it defines to include a peace officer, as defined, as well as an officer or agent of a federal law enforcement agency or any person acting on behalf of a federal law enforcement agency. Notably, SB 851 also created a new avenue for otherwise prohibited personnel to receive authorization to be stationed at a polling place - written authorization by a federal court order. To promote consistency between the crime of specified personnel being stationed in the immediate vicinity of a polling place and the crime of hiring or arranging for such a person to be stationed, the author may wish to consider whether to add a similar provision permitting authorization by federal court order to this bill.

¹⁹ *Ibid.*

²⁰ Gabe Cohen, *ICE agents have been deployed to airports. Are the polls next?* (March 25, 2026), available at: <https://www.cnn.com/2026/03/25/politics/ice-agents-polling-places-bannon>

²¹ Miles Parks, *ICE won't be at polling places this year, a Trump DHS official promises* (Feb. 25, 2026), available at: <https://www.npr.org/2026/02/25/nx-s1-5726768/ice-agents-midterm-elections>

Additionally, this bill defines “immediate vicinity” to include a building in which a polling place is situated, and 100 feet from any entrance or exit to the building, a parking facility for the building, and the ingress or egress for a vehicle to the parking facility. Currently, several crimes related to intimidation of voters, including the crimes of soliciting a vote, speaking to a voter about marking the voter’s ballot, disseminating visible or audible electioneering information, stationing of certain persons in a polling place without written authorization, and the hiring or arranging of such persons to be stationed, all use the same definition of “immediate vicinity” (“the area within a distance of 100 feet from the room or rooms in which the voters are signing the roster and casting ballots”). (Elec. Code, § 18546, subd. (b). *See also* Elec. Code, § 18541, subd. (c); 18544; 18545.) This bill would establish a broader definition of “immediate vicinity” for the specific crime of specified persons being stationed in the immediate vicinity of a polling place without written authorization. To promote equal application and consistency in the law, the author may wish to reconcile these conflicting definitions.

Regarding childcare facilities, this bill prohibits, except as required by state or federal law or as required to administer a state or federally supported early care and learning program, employees of a licensed child daycare facility from allowing an officer or employee of an agency conducting immigration enforcement to enter a nonpublic area of a licensed child daycare facility without being presented with a valid judicial warrant or judicial subpoena, or a court order. It additionally requires an employee of a licensed child daycare facility, to the extent practicable, to request a valid identification from an officer or employee of an agency conducting immigration enforcement seeking to enter a nonpublic area of a licensed child daycare facility. It further states that this shall not be construed to limit a licensed child daycare facility or an employee’s right to consult with counsel or challenge the validity of a warrant, subpoena, or court order in a court of competent jurisdiction.

As discussed more below, existing law already prohibits employers from providing voluntary consent to an immigration enforcement agent to enter a nonpublic area of a place of labor. Specifically, current law prohibits, except as otherwise required by federal law, a public and private employer, or person acting on behalf of the employer, 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. (Gov. Code, § 7285.1.) This prohibition does not preclude an employer from taking the agent to a nonpublic area, where employees are not present, to verify whether the agent has a warrant, provided that no consent to search the nonpublic areas is given in the process. (Gov. Code, § 7285.1, subd. (c).) Given that this provision applies generally to employers and persons acting on behalf of employers, establishing a similar access restriction, specific to employees of licensed child daycare facilities, may be somewhat duplicative of existing law.

- 4) **Constitutional Concern:** In 2017, the California Legislature took significant steps to limit state and local cooperation with federal immigration enforcement officers. Particularly, the Legislature enacted SB 54 (De Leon), Chapter 495, Statutes of 2017, also known as the California Values Act, which limited the use of state and local resources for the purposes of immigration enforcement. More relevant to this bill, the Legislature also enacted AB 450 (Chiu), Chapter 492, Statutes of 2017, which prohibited an employer from providing access to a federal government immigration enforcement agent to any non-public areas of a place of labor if the agent does not have a warrant. Particularly, AB 450 prohibited, except as

otherwise required by federal law, a public or private 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. (Gov. Code, § 7285.1, subs. (b)-(c).) It also outlined civil penalties of \$2,000-\$5,000 for the first violation, and \$5,000-\$10,000 for each subsequent violation, enforceable by the Labor Commissioner or AG, for an employer who violates this prohibition. (*Ibid.*)

This bill is somewhat similar to AB 450 in that it prohibits, except as required by state or federal law, employees of a licensed child daycare facility from allowing an officer of an agency conducting immigration enforcement to enter a nonpublic area of a licensed child daycare facility without a valid judicial warrant or judicial subpoena, or a court order.

A prior U.S. District Court case has suggested that this type of bill could be vulnerable to a legal challenge. In 2018, the Trump administration challenged SB 54 and AB 450 in District Court. Specifically, the Trump Administration challenged AB 450's constitutionality as applied to private employers only, arguing that the bill was preempted by federal law and violated the doctrine of intergovernmental immunity. (*United States v. California* (E.D. Cal. 2018) 314 F.Supp.3d 1077, 1096.) The doctrine of intergovernmental immunity, derived from the Supremacy Clause of the Constitution, makes a state regulation invalid if it "regulates the United States directly or discriminates against the Federal Government or those with whom it deals." (*N.D. v. United States* (1990) 495 U.S. 423, 435.) The district court did not reach a conclusion on the issue of preemption, but it did find that the Trump Administration was likely to succeed on the issue of intergovernmental immunity. (*United States v. California, supra*, 314 F.Supp.3d. at p. 1096.) In particular, the court held that "a law which imposes monetary penalties on an employer solely because that employer voluntarily consents to federal immigration enforcement's entry into nonpublic areas of their place of business or access to their employment records impermissibly discriminates against those who choose to deal with the Federal Government." (*Ibid.*)

The District Court proceeded to find that the provisions of AB 450 that prohibited employers from providing voluntary consent to an immigration agent to enter a nonpublic area of a place of labor and from re-verifying the employment eligibility of current employees when not required by federal law impermissibly infringed on the sovereignty of the U.S. However, the District Court found that SB 54, as well as the employee notice provision of AB 450 (requiring employers to provide notice to their employees of any impending I-9, or other employment record, inspection within 72 hours of receiving notice of that inspection) were not preempted by federal law. (*United States v. California, supra*, 314 F.Supp.3d. at p. 1086.)

The Trump Administration appealed this ruling. On appeal, the Ninth Circuit found that the district court properly concluded that AB 450's employee-notice provisions did not violate the doctrine of intergovernmental immunity and were not preempted by federal law. (*United States v. California* (9th Cir. 2019) 921 F.3d 865, 881-882.) The District Court's finding that the Trump Administration's intergovernmental immunity claim pertaining to imposing monetary penalties on an employer who consents to immigration agents entering into non-public areas of a business was likely to succeed on the merits was not a matter on appeal. Further, the Ninth Circuit upheld SB 54, citing that because federal immigration law is silent on the role of state or local governments in immigration enforcement, and SB 54 was focused on *state and local* agencies, the law was not preempted. (*United States v. California, supra*, 921 F.3d, at p. 887.) In particular, they stated, "SB 54 does not directly conflict with any

obligations that the INA or other federal statutes impose on state or local governments, because federal law does not actually mandate any state action[.]” (*Ibid.*) The administration appealed the Ninth Circuit ruling but the Supreme Court denied the request, leaving the decision untouched.

AB 2230 is somewhat similar to AB 450’s provision that prohibits an employee of a licensed child daycare facility from voluntarily consenting to federal immigration enforcement’s entry into nonpublic areas of their place of business. It’s possible this could make this bill vulnerable to the same type of intergovernmental immunity challenge that the District Court stated was likely to succeed on the merits in *United States v. California* (E.D. Cal. 2018) 314 F.Supp.3d 1077, 1096.) However, this bill is distinguishable for several reasons, most notably, the district court in *U.S. v. California* specifically discussed the imposition of civil penalties for a violation of AB 450 as a factor in why that law violated the Supremacy Clause. Here, this bill does not include any such penalties. Additionally, this bill contains several qualifiers to avoid conflicts with existing federal or state law. Most notably, the bill’s obligations apply “[e]xcept as required by state or federal law or as required to administer a state or federally supported early care and learning program.” Therefore, to the extent state or federal law requires an employee of a child daycare facility to provide immigration agents with access to the non-public areas of the facility without a valid judicial warrant, this bill’s requirements will not apply. Further, the requirement that the employee must request valid identification from the officer seeking to enter a nonpublic area of the facility only applies “to the extent practicable,” suggesting this bill may be more akin to guidance, rather than a mandate. Thus, while it is difficult to predict the outcome of a potential legal challenge to this bill, it is reasonable to believe this provision would survive constitutional scrutiny.

5) **Argument in Support:** None submitted.

6) **Argument in Opposition:** None submitted.

7) **Related Legislation:**

a) SB 884 (Umberg), among other things, would prohibit a federal, state, or local law enforcement officers from arresting any person within 200 feet of a polling location on Election Day, except for crimes related to disrupting the operation of the polling location. SB 884 is pending a hearing in the Senate Committee on Elections and Constitutional Amendments.

8) **Prior Legislation:**

a) AB 495 (Celeste Rodriguez), Chapter 664, Statutes of 2025, among other things, required the Attorney General, by April 1, 2026, in consultation with appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at licensed child day care facilities and license-exempt state preschool program facilities and requires all California state preschool programs to adopt the model policies, or equivalent policies, as soon as possible, but no later than July 1, 2026.

b) SB 851 (Cervantes), Chapter 238, Statutes of 2025, expended the crime of hiring or arranging for any person in possession of a firearm or any uniformed officer to be stationed in the immediate vicinity of, or posted at a polling place without authorization

of the appropriate elections official, so that it includes an officer or agent of a federal law enforcement agency and exempts a person is being stationed at a polling place or county elections official's office pursuant to a federal court order.

- c) AB 2642 (Berman), Chapter 533, Statutes of 2024, prohibited a person from intimidating, threatening, or coercing, or attempting to intimidate, threaten, or coerce, any other person for engaging in specified election-related activities, and authorizes an aggrieved person, an officer holding an election or conducting a canvass, or the Attorney General (AG) to file a civil action to enforce those prohibitions.
- d) SB 485 (Becker), Chapter 611, Statutes of 2023, established additional specificity for penal provisions within the Elections Code as it pertains to a person who interferes with the officers holding an election, officers conducting a canvass, or with voters lawfully exercising their rights of voting at an election.
- e) SB 1131 (Newman), Chapter 554, Statutes of 2022, among other things, required a county elections official, upon application of a qualified worker, to make confidential that qualified worker's residence address, telephone number, and email address appearing on the affidavit of registration, as provided.
- f) SB 35 (Umberg), Chapter 318, Statutes of 2021, among other things, prohibited a person from engaging in electioneering and prescribed political activities within the immediate vicinity of a voter in line to cast a ballot or drop off a VBM ballot, as specified.

REGISTERED SUPPORT / OPPOSITION:

Support

None submitted.

Opposition

None submitted.

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