

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2230 (Ávila Farías) – As Amended April 23, 2026

Policy Committee:	Human Services	Vote:	5 - 1
	Elections		6 - 2
	Public Safety		7 - 0

Urgency: No                      State Mandated Local Program: Yes                      Reimbursable: No

**SUMMARY:**

This bill 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.

This bill also prohibits an employee of a licensed child daycare facility from allowing an officer or employee of an agency conducting immigration enforcement to enter a nonpublic area without being presented with a valid judicial warrant or judicial subpoena or a court order.

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 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.
- 3) Provides, 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.

**FISCAL EFFECT:**

Ongoing cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts in additional workload resulting from the new prohibitions provided in this bill. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions. This backfill was \$117.3 million in 2025-26.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

**COMMENTS:****1) Purpose.** 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. 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. [This bill] 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. Protected Locations.** In October 2021, the Department of Homeland Security (DHS) issued updated guidance establishing "protected areas," which expanded the list of sensitive locations to include social service providers and places where children gather, like playgrounds. Under this policy, immigration agents were prohibited from conducting enforcement actions in or near these locations except in limited circumstances and were instructed to avoid actions that could deter individuals from accessing these services.

On January 20, 2025, the Trump administration rescinded the protected areas policy, eliminating restrictions on immigration enforcement at locations like early childhood programs, schools, and churches and a follow-up memo stated that federal law prohibits state and local interference with lawful immigration actions. A DHS spokesperson further stated immigration officers would no longer be restricted from making arrests in schools or churches, asserting that prior protections allowed "criminals" to avoid arrest and that officers should be trusted to use "common sense." Since the rescission of the protected areas policy, news reports have documented immigration enforcement activity around schools, hospitals, and other sites previously designated as protected areas.

On April 1, 2026, the California Attorney General released guidance to childcare facilities explaining that although federal policy no longer restricts immigration enforcement at protected locations, childcare facilities and providers are still protected under California law.

This bill builds on existing protections by prohibiting childcare facility employees from allowing immigration enforcement officers to enter nonpublic areas without a judicial warrant, subpoena, or court order.

***Polling Places.*** In addition, ahead of this year's midterm elections, and even though federal law prohibits federal troops or law enforcement from interfering with voting, numerous media outlets have reported that Trump administration allies have floated the possibility that federal immigration agents could interfere at polling sites this fall. In response to these reports, media outlets have reported that the White House and a top Department of Homeland Security official have stated that there are no plans to deploy US Immigration and Customs Enforcement agents to polling sites. Nonetheless, those reports have raised concerns over voter intimidation and voter turnout.

The Legislature has taken steps to ensure there are laws in place to protect election workers and voters. This bill builds on existing protections by prohibiting federal immigration enforcement from being stationed near or entering polling places.

***Constitutional Issues.*** As discussed in the Public Safety Committee's analysis, this bill raises constitutional issues, including Supremacy Clause concerns. The analysis notes this bill is somewhat similar to a provision found in AB 450 (Chiu), Chapter 492, Statutes of 2017, 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. The analysis notes it is possible this similarity 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, the analysis also noted this bill is notably distinguishable, and 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.

To the extent the bill is challenged in court, any defense costs would be borne by the California Department of Justice.

- 3) **Related Legislation.** AB 2379 (Solache), of this legislative session, requires CDSS to notify licensed and license-exempt family daycare home providers of Fourth Amendment rights related to searches, seizures, and immigration enforcement interactions and to establish a multilingual training program on those rights. AB 2379 is pending in this committee.

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