

ASSEMBLY THIRD READING

AB 2230 (Ávila Farías)

As Amended April 23, 2026

Majority vote

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. Prohibits licensed child daycare facility employees from allowing an officer or employee of an agency conducting immigration enforcement to enter a nonpublic area without a judicial warrant, subpoena, or a court order.

Major Provisions

- 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 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 any employee of a licensed child daycare facility, to the extent practicable, to request 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. Provides that this provision 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.
- 6) Provides that these provisions are severable and that if any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

COMMENTS

Background: *Federal Policy on Immigration Enforcement at Protected Locations*. Since 1993, the federal government has maintained policies discouraging immigration enforcement at "sensitive locations," including schools, places of worship, and early childhood programs such as licensed childcare, preschool, and Head Start programs. In 2011, DHS reaffirmed this policy, stating that enforcement actions at these locations should only occur under exigent circumstances, when operations lead to such locations, or with prior approval. In October 2021, the U.S. 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.

However, 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.¹ A January 21, 2025, memo stated that the federal law prohibits state and local interference with lawful immigration actions.² 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."³ 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.

Concerns about immigration enforcement near childcare facilities and schools have been linked to decreased school attendance, reduced participation in early childhood programs, and broader economic instability when parents miss work or lose employment due to fear of enforcement activity.⁴ Early childhood programs often provide not only education and care, but also connections to nutrition programs, health services, and family support services, meaning reduced participation can affect both children's development and family stability. In some documented cases, ICE officers have detained parents after they dropped their children off at school, reinforcing concerns among families that educational settings may not be safe from enforcement activity.

California Attorney General Guidance to Childcare Facilities on Immigration Enforcement. The AG's *Early Childhood Education and Child Care Providers Guidance and Model Policies*⁵ released on April 1, 2026, explains that although federal policy no longer restricts immigration enforcement at protected locations, childcare facilities and providers are still protected under California law, including the California Immigrant Worker Protection Act established through AB 450 (Chiu), Chapter 492, Statutes of 2017. This law prohibits employers from voluntarily consenting to immigration enforcement agents entering nonpublic areas of a workplace unless

¹ https://www.dhs.gov/sites/default/files/2025-03/25_0120_S1_enforcement-actions-in-near-protected-areas.pdf

² https://www.washingtonpost.com/documents/2f9af176-72c5-458a-adc4-91327aa80d11.pdf?itid=hp-top-table-high_p001_f002

³ <https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse>

⁴ https://www.clasp.org/wp-content/uploads/2025/01/2025_safespacesguide-v3_April-Final.pdf

⁵ <https://oag.ca.gov/system/files/media/ece-childcare-guidance-model-policies-public.pdf>

the agent presents a judicial warrant or federal law requires access. Voluntary consent must be truly voluntary and cannot be the result of coercion or intimidation. Staff are allowed to verify warrants and consult legal counsel before complying, and providers are not required to assist immigration enforcement agents with searches, entry into nonpublic areas, or the physical apprehension of individuals.

The guidance also explains that the Fourth Amendment to the U.S. Constitution protects homes and businesses, including childcare facilities, from unreasonable searches and seizures. Whether law enforcement officers may enter an area depends on whether there is a reasonable expectation of privacy. Public areas are open to the general public and generally have a lower expectation of privacy, while nonpublic areas, such as classrooms, offices, staff-only areas, and childcare spaces, generally require a judicial warrant, consent, or limited exceptions such as exigent circumstances. Exigent circumstances are emergency, time-sensitive situations where officers reasonably believe someone may be in danger, a suspect may escape, or evidence may be destroyed. Officers may also seize items in "plain view" if they are lawfully present in the area and the items are clearly visible and believed to be related to illegal activity.

The AG guidance further explains the importance for childcare providers to understand the differences between immigration enforcement documents, including administrative warrants, judicial warrants, subpoenas, court orders, and notices to appear because these documents provide different levels of legal authority. For example, an ICE administrative warrant does not authorize entry into nonpublic areas or access to records, while a federal judicial warrant issued by a judge may authorize entry, search, or arrest. Subpoenas may request documents but generally do not require immediate compliance and may be challenged in court, and a notice to appear begins immigration court proceedings but does not authorize arrest, search, or access, to facilities or records.

This bill builds on these protections by prohibiting childcare facility employees from allowing immigration enforcement officers to enter nonpublic areas without a judicial warrant, subpoena, or court order, while requiring staff to request officer identification.

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.

"[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."

Arguments in Support

None on file.

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee on May 6, 2026:

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.

VOTES**ASM HUMAN SERVICES: 5-1-1**

YES: Lee, Calderon, Elhawary, Jackson, Solache

NO: Tangipa

ABS, ABST OR NV: Castillo

ASM ELECTIONS: 6-2-0

YES: Pellerin, Bennett, Berman, Elhawary, Solache, Stefani

NO: Gallagher, Johnson

ASM PUBLIC SAFETY: 7-0-2

YES: Schultz, Mark González, Haney, Harabedian, Nguyen, Ramos, Sharp-Collins

ABS, ABST OR NV: Alanis, Lackey

ASM APPROPRIATIONS: 11-3-1

YES: Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

NO: Dixon, Ta, Tangipa

ABS, ABST OR NV: Hoover

UPDATED

VERSION: April 23, 2026

CONSULTANT: Bri-Ann Hernández-Mengual / HUM. S. / (916) 319-2089

FN: 0002811