

CONCURRENCE IN SENATE AMENDMENTS

AB 2230 (Ávila Farías)

As Amended August 21, 2026

Majority vote

SUMMARY

Prohibits employees of a licensed child daycare facility from providing voluntary consent to a law enforcement officer to enter a nonpublic area of a licensed child daycare facility unless presented with a valid judicial warrant, judicial subpoena, or a court order or if exigent circumstances exist. Requires an employee of a licensed child daycare facility to request valid information from a law enforcement officer seeking to enter a nonpublic area of a licensed child daycare facility.

Senate Amendments

- 1) Update that a licensed daycare facility employee shall not provide voluntary consent to a law enforcement officer to enter a nonpublic area of a licensed child daycare facility instead of prohibiting employees from allowing an officer or employee of an agency conducting immigration enforcement to enter a nonpublic area of a licensed child daycare facility.
- 2) Clarify that the bill does not apply to law enforcement officers who are complying with the requirements of the Child Abuse and Neglect Reporting Act.
- 3) Specify that violation of this section is not subject to criminal, civil, or administrative penalty, and shall not result in a licensee being subject to citation under this act.
- 4) Remove all provisions related to polling places.

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, the U.S. Department of Homeland Security (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, 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However, on January 20, 2025, the Trump administration rescinded the protected areas policy, eliminating restrictions on immigration enforcement at locations like early childhood programs, schools, and churches.¹ A January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

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

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, Immigration and Customs Enforcement (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 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.

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 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.

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

According to First 5 Association of California, "[This bill] takes a measured and practical step to address these harms. As amended, the bill prohibits employees of licensed child daycare facilities from allowing immigration enforcement officers to enter nonpublic areas of a facility without a valid judicial warrant, judicial subpoena, or court order, except as required by state or federal law or to administer a state or federally supported early care and learning program. It also asks facility staff, to the extent practicable, to request valid identification from any immigration enforcement officer seeking entry to a nonpublic area, and it preserves the right of facilities to consult counsel or to challenge the validity of any warrant or court order. These provisions give providers clear, lawful guidance for protecting the children and families in their care while respecting legitimate legal process. Enforcement activity at or near child care facilities is a direct barrier to families accessing the early learning programs their children need. For these reasons, First 5 Association of California respectfully urges your support of [this bill]."

Arguments in Opposition

None on file.

FISCAL COMMENTS

This bill was keyed non-fiscal by the Legislative Counsel.

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**ASSEMBLY FLOOR: 60-15-5****YES:** Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie- Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas**NO:** Chen, DeMaio, Dixon, Ellis, Flora, Gallagher, Hadwick, Hoover, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa**ABS, ABST OR NV:** Alanis, Castillo, Davies, Jeff Gonzalez, Celeste Rodriguez**UPDATED**

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

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