
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 2631 (Bauer-Kahan) - Criminal procedure: prohibited violations

Version: April 6, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: PUB. S. 5 - 1

Mandate: No

Consultant: Bob Franzoia

Bill Summary: AB 2631 would add exercising any rights protected by the First Amendment of the United States Constitution to the prohibited violations for which an order for a warrant for the interception of a wire may not be issued.

Fiscal Impact: Minor, absorbable costs to the Department of Justice to apply the expanded “prohibited violation” definition in wiretap order applications. Cases are expected to be few. (General Fund)

Minor to modest cost pressure to the courts to adjudicate matters under the bill. More likely than not, communications evidence sought through warrants, subpoenas or other legal processes involve First Amendment protected activity, thereby increasing the universe of federal investigations potentially affected by the bill and generating court workload. An eight-hour court day costs approximately \$10,500 based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources. The FY 2026-27 Budget appropriated \$70 million General Fund for this purpose. (Trial Court Trust Fund, General Fund)

Background: Recently, federal administrative subpoenas have been sent to technology companies in an attempt to obtain the content of communications as well as subscriber information and other user information regarding people who have been tracking Immigration Customs and Enforcement agents or criticizing their activities. Administrative subpoenas do not require a court order review, and they do not need to be complied with, but some companies have responded or are unsure of how to act because there is no clear statutory basis on which they can rely.

Proposed Law: This bill would include exercising any rights protected by the First Amendment to the United States Constitution within the definition of “prohibited violation.” The bill would expand the prohibition on the production of records relating to investigation into, or enforcement of, prohibited violations to federal court orders.