Date of Hearing: April 21, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 2664 Bauer-Kahan – As Amended April 16, 2026

SUBJECT: PLACES OF RELIGIOUS WORSHIP: UNLAWFUL ACTIVITIES

KEY ISSUE: SHOULD IT BE UNLAWFUL, WITHIN 100 FEET OF THE ENTRANCE OF A PLACE OF RELIGIOUS WORSHIP, FOR A PERSON TO COME WITHIN EIGHT FEET OF ANOTHER PERSON TO HAND THAT OTHER PERSON A LEAFLET, HOLD A SIGN, OR ENGAGE IN ORAL PROTEST OR EDUCATION?

SYNOPSIS

This bill reflects commitment to two competing values. On the one hand, we not only value but constitutionally protect the right of people to freely engage in peaceful protest by handing out leaflets, holding signs, or engaging people in public places for the purposes of persuasion, especially on matters of public interest. On the other hand, we not only value but constitutionally protect the free exercise of religion, which includes the right to access places of worship free from harassment and intimidation. We hope – but the constitution does not require – that protest will happen in a civil and respectful manner. Yet, for better or worse, that speech is unwelcome, offensive, or makes people uncomfortable does not matter as a constitutional matter. Indeed, as Martin Luther King Jr. noted in his "Letter from the Birmingham Jail," the point of peaceful protest is to create "tension." Creating tension, however, does not justify harassment, intimidation, or blocking another person's physical movement.

In response to recent protests at Jewish synagogues, this bill prohibits a person, within a 100-foot radius from an entrance or exit of a place of religious worship, from intentionally approaching, within eight feet of another person or occupant of a vehicle, without consent, to do either *of the following: (1) pass a leaflet, display a sign, or engage in oral protest or education with another person; or (2) harass, obstruct, threaten, or intimidate the other person or occupant. Because it is already unlawful to harass, obstruct, threaten, or intimidate another person, the more controversial part of this measure is the prohibition on leafleting, displaying signs, and engaging in oral persuasion. Those practices, especially when done on sidewalks or public spaces, are among the most traditional and favored modes of political expression protected by the First Amendment.*

The bill is sponsored by the organization Jewish California and supported by dozens of Jewish organizations who believe that an increase in antisemitic violence has left many Jews fearful of attending religious services. The bill is opposed on First Amendment grounds by ACLU Action, the Ella Baker Center for Human Rights, interfaith social justice groups, and pro-Palestinian groups. The California Public Defender Association opposes the bill unless amended, citing the bill's criminal penalties as well as its chilling effect on even peaceful protest. The bill recently passed out of the Public Safety Committee on an 8-0 vote with one member not voting.

SUMMARY: Makes it unlawful for a person, within 100 feet of the entrance or exit of a place of religious worship, to intentionally approach within eight feet of any other person or occupant of a motor vehicle, without their consent, for specified purposes. Specifically, **this bill**:

1) Finds that access to places of worship is imperative to the free exercise of religion in California and that ensuring safe and unimpeded access to places of worship is a compelling government interest and essential to the immediate preservation of public peace and safety. To that the end, the bill seeks to clarify that conduct that intentionally obstructs a person's lawful exercise of religious freedom is unlawful. It also finds that protecting persons from deliberate and physical interference with their access to places of worship may be accomplished without infringing on constitutionally protected speech or activity, and it affirms that the bill's intent is to not seek to favor one viewpoint over another or to limit speech on any particular topic.

2) Defines "place of religious worship" to mean any building, structure, or space that is primarily used for religious worship services or to provide religious education or instruction. Specifies that a place of religious worship includes the parking lot, parking lot entrances, driveway, and driveway entrances of any such building, structure, or place.

3) Prohibits a person, within a radius of 100 feet from an entrance or exit of a place of religious worship, from intentionally approaching another person or occupant of a motor vehicle within eight feet of that person or occupant, without their consent, to do either of the following:

    a) Pass a leaflet or handbill, display a sign, or engage in oral protest or education with the other person or occupant.

    b) Harass, obstruct, threaten, or intimidate the other person or occupant.

4) Specifies that the eight feet for purposes of 3) above is to be measured from the body of the person seeking to enter or exit a place of worship, or the exterior of the occupied motor vehicle seeking to enter or exit the parking lot, to the body of, or any sign or object held by, another person.

5) Specifies that the 100 feet for purposes of 3) above shall be measured from the entrance or exit of the place of religious worship to the body of, or any sign or object held by, another person. Specifies also that the 100 feet shall be measured from a parking lot or any driveway leading to the place of religious worship.

6) Provides that a first violation of the provisions of this bill is a misdemeanor, punishable by a fine not exceeding $1,000, imprisonment in a county jail not exceeding six months, or by both fine and imprisonment. Provides that a second or subsequent violation shall be punishable by a fine not to exceed $5,000, by imprisonment in county jail for not more than one year, or by both fine and imprisonment.

7) Provides that the provisions of this bill are severable.

EXISTING LAW:

1) Makes it a misdemeanor to, by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten another person in the free exercise or enjoyment of a right or privilege secured by the Constitution or laws of this state or by the Constitution or laws of the United States, in whole or in part, because of one or more of specified actual or perceived

characteristics of the victim, including disability, gender, religion, race, or sexual orientation. (Penal Code Section 422.6 and 422.55.)

2) Makes it unlawful for any person to willfully, maliciously, and repeatedly follow or willfully and maliciously harass another person, and to make a credible threat with the intent to place that person in reasonable fear for their safety. Subjects a person who violates this provision to imprisonment in a county jail of not more than a year, or a fine of not more than $1,000, or both fine and penalty. (Penal Code Section 646.9.)

3) Makes it unlawful, under the California Freedom of Access to Clinic and Church Entrances (FACE) Act, for a person to do any of the following acts:

   a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services patient, provider, or assistant, or in order to intimidate a person or entity, or a class of persons or entities, or from becoming or remaining a reproductive health services patient, provider, or assistant.

   b) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with a person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship.

   c) By nonviolent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services patient, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services patient, provider, or assistant.

   d) By nonviolent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, a person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship.

   e) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services patient, provider, assistant, or facility.

   f) Intentionally damages or destroys the property of a place of religious worship.

   g) Within 100 feet of the entrance to, or within, a reproductive health services facility, intentionally videotapes, films, photographs, or records by electronic means, a reproductive health services patient, provider, or assistant without that person's consent with specific intent to intimidate the person from becoming or remaining a reproductive health services patient, provider, or assistant, and thereby causes the person to be intimidated. (Penal Code Sections 423-423.3.)

4) Makes it unlawful, under the federal Freedom of Access to Clinic Entrances (FACE) Act, the use of force, threat of force, or physical obstruction to intentionally injure, intimidate, or

interfere with anyone obtaining or providing reproductive health services, or using force, threats, or obstruction to stop persons from exercising their rights at places of religious worship. (18 U.S.C. Section 248.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: According to the author:

> Amidst rising antisemitism and hate, many Jewish People fear simply going to synagogue. A recent study from AJC reported that 26% of Jewish people in the United States don't feel safe attending Jewish institutions. Additionally, the Anti-Defamation League reported in 2024 that antisemitic incidents have increased across the United States by 344% over the last five years. Other faith communities have also experienced dramatic increases in hate incidents and violence in recent years. Recently there has also been a disturbing pattern of protests outside houses of worship. AB 2664 establishes a zone around the entrances of houses of worship, within which protesters may not intentionally approach congregants without consent. These protections are designed to ensure that people can enter and exit religious institutions without being obstructed or intimidated. Bubble zones are a common-sense step to ensure people of all faiths can gather safely and freely. This bill takes a balanced approach that has existed for decades in other states and localities, carefully protecting both freedom of worship and freedom of speech. Similarly structured laws have long been in place across the country and have been upheld by the U.S. Supreme Court multiple times, recognizing that tailored protections at entrances can coexist with robust First Amendment rights.

In response to recent protests at Jewish synagogues and temples, this bill prohibits a person, within a 100-foot radius from an entrance or exit of a place of religious worship, from intentionally approaching within eight feet of another person or occupant of a vehicle, without their consent, to do either of the following: (1) pass a leaflet, display a sign, or engage in oral protest or education with another person; or (2) harass, obstruct, threaten, or intimidate the other person or occupant. It is already generally unlawful to harass, threaten, or intimidate another person. For example, under both the federal and state law (the FACE Acts) it is unlawful to use force, threats, or intimidation to interfere with someone's right to exercise the First Amendment right of religious freedom at a place of religious worship. (18 U.S.C. Section 248; Penal Code Section 423 *et seq.*) Therefore, since harassing, obstructing, threatening, and intimidating a person attempting to enter a place of religious worship is already unlawful, the more controversial part of this bill concerns the limitation on passing leaflets, displaying signs, or engaging in oral protest or education. These activities, especially when done on sidewalks or public spaces, are among the most traditional and favored modes of political expression protected by the First Amendment.

First Amendment: Free Exercise and Free Speech. This bill reflects a commitment to two core constitutional rights, both of which are affirmed in the First Amendment to the U.S. Constitution. The first part of the First Amendment states that "Congress shall make no law respecting the establishment of religion or abridging the free exercise thereof." The next part of the First Amendment states that Congress shall make no law "abridging the freedom of speech. . . or the right of the people to peaceably assemble." The bill's legislative findings assert that prohibiting one group of people from physically interfering with another group's right to access religious worship "may be accomplished without infringing on

constitutionally protected speech or activity." However, a bill's findings do not necessarily render a matter constitutional as the ultimate outcome of any statute lays in the hands of the court. Balancing the competing rights and values may be more difficult than the bill's findings suggest.

Buffer zones and floating bubbles. Because the federal and state FACE Acts did not stop protests interfering with access to reproductive health clinics, some states and localities began enacting statutes and ordinances establishing buffer zones around the clinics so that patients could enter them without fear of harassment and intimidation and to prevent physical confrontations that sometimes turned violent. Some of these laws and ordinances simply created fixed "buffer zones," which was usually defined as a radius around the clinic that was off limits to protests. Other laws and ordinances created more complicated buffer zones with "floating bubbles," which is what this bill creates. That is, the bill establishes a 100 foot radius around the entrance or exit of a place of worship. Within that 100 foot radius, a person cannot approach within eight feet of another person without their consent, if the purpose of approaching them is to hand out leaflets, hold up signs, engage in "educational" conversation, to obstruct the entrance. or to otherwise harass, threaten, or intimidate a person attempting to enter the place of worship. Not surprisingly, the laws and ordinances were challenged on free speech grounds by anti-abortion groups, First Amendment groups, or both. Two U.S. Supreme Court cases loom large in the analysis of the constitutionality of such restrictions. In *Colorado v. Hill* (2000), the U.S. Supreme Court upheld a 100 foot buffer zone with an eight foot floating bubble. In *McCullen v Coakley* (2014), the court struck down a 35-foot buffer zone in Massachusetts because it was not narrowly tailored and had failed to consider alternative means of protecting people's access to abortion clinics.

Content-based and content-neutral distinctions. The preliminary question that the court considered in *Hill* and *McCullen* was whether the state laws were "content-based" or "content-neutral," for this determines what level of scrutiny the Court will apply. Because the core principle of the First Amendment is that government cannot suppress speech on account of its message, the U.S. Supreme Court has declared that "content-based regulations are presumptively invalid." (*R.A.V. v. City of St. Paul* (1992) 505 U.S. 377, 282.) Content-based restrictions must meet strict scrutiny, which means the government must prove that the restriction serves a "compelling government interest" and is "narrowly tailored" to use the "least restrictive" means. Although it is not impossible for a content-based restriction to survive strict scrutiny, it is exceedingly rare. Content-neutral restrictions, on the other hand, need only meet "intermediate scrutiny," which means that the government must show an "important (not compelling) government interest" and that the means used to achieve the interest must not be substantially broader than necessary to achieve the important government interest (though it need not be the "least restrictive.") Significantly, "time, place, and manner" (TPM) restrictions – the kind at issue in this bill – only apply if the restriction is content-neutral. The Court will uphold a TPM restriction only if the restriction is (1) content neutral; (2) narrowly tailored so that it does not burden more speech than is necessary; and (3) leaves open ample alternative channels of communication. (*Ward v. Rock Against Racism* (1989) 491 U.S. 781, 791.)

The case law considering the constitutionally of "buffer zones" has primarily involved state and local laws attempting to curtail anti-abortion protests at reproductive health care clinics. Despite the fact these laws were motivated by desire to address a specific kind of protest, the courts have nonetheless held that the restrictions were content neutral. Some of the justices – mostly writing

in dissent – have argued that laws that only apply to abortion clinics are inherently content-based (and even viewpoint-based), because presumably the only people protesting at abortion clinics are people who oppose abortion. However, the courts have rejected this view because buffer zones target conduct, not speech. Whatever the merits of this reasoning, if the courts have held that buffer zones around abortion clinics are content neutral, then certainly buffer zones around a place of religious worship are also content neutral. After all, restricting protests at abortion clinics will primarily if not exclusively restrict people expressing views about abortion. However, protests at a place of religious worship could be about any number of subjects.

Colorado v Hill. In *Colorado v. Hill* (2000) 530 U.S. 703, the U.S. Supreme Court upheld a buffer zone and floating bubble around abortion clinics that mirrors the one created by this bill. Like this bill, the Colorado statute made it unlawful for any person within 100 feet of a health care facility's entrance to knowingly approach within 8 feet of another person, without that person's consent, in order to pass "a leaflet or handbill to, display a sign to, or engage in oral protest, education, or counseling with" another person. (*Hill,* 520 U.S. at 707.) The plaintiffs who challenged the law described themselves as "sidewalk counselors" who sought to converse with women entering the clinic and offer them alternatives to abortion. The trial court dismissed the complaint, and the Colorado Court of Appeals affirmed, because it found that the statute imposed a narrowly tailored TPM restriction that served a significant government interest in protecting public safety and permitting patients to exercise a constitutional right without fear or intimidation. The Colorado Supreme Court denied review and the petitioner appealed to the U.S. Supreme Court.

On appeal, the Court reversed the lower courts and upheld the restriction in a 6-3 decision. The Court found that the statute was a content-neutral TPM restriction that did not regulate the content of speech, but only the places where the speech could occur. The majority reasoned that while the statute prohibited speakers from approaching unwilling listeners, it did not require a standing speaker to move away from anyone passing by (that is, it only prohibited "approaching" within eight feet of an unwilling listener.) A dissenting opinion by Justices Scalia, Thomas, and Kennedy argued that restricting protest at an abortion clinic, as a practical matter, only prohibits speech about abortion; therefore, they would have found the law content-based and subject to the higher bar of strict scrutiny.

McCullen V Coakley. The *Hill* decision, which involved, like this bill, an eight-foot bubble within a 100-foot radius, seemingly lends substantial weight to the view of the author and supporters that this bill passes constitutional muster. However, *Hill* was not the final word on the matter, and some commentators suggest that the holding in *Hill* has become suspect. (*See e.g. "*Note on McCullen v Coakley," 128 Harv. L. Rev. 221(2021); Susan Gogniat, "*McCullen v Coakley* and Dying Buffer Zone Laws," 77 U. of Pittsburgh L. Rev. 235 (2015).)

In *McCullen v Coakley* (2014) 573 U.S. 464, without expressly overturning *Hill,* the U.S. Supreme Court considered a Massachusetts law that created 35-foot buffer zones around the entrances, exits, and driveways of abortion clinics. Even though it found that the restriction was content-neutral, it struck it down because it is not sufficiently narrowly tailored. The petitioners, individuals who by all accounts engaged in peaceful and respectful leafleting and sidewalk counseling near an abortion clinic, challenged the law. The district court found, and the U.S. First Circuit Court of Appeal affirmed, that the buffer zone was a permissible TPM restriction that left alternative means of communications, even though it prevented the petitioners from engaging in their most effective means of communication: talking with people entering the

clinic. Although the 35-feet buffer zone was smaller than the 100-foot buffer in *Hill* – and thus less expansive – it did not contain the eight foot floating bubble, which meant that protesters could not come as close to people entering the clinic as they could under the Colorado statute.

In a 9-0 decision, the Court held that the Massachusetts law was content-neutral, and thus only subject to intermediate scrutiny. However, while the law served a significant interest, the Court found that the law was not sufficiently narrowly tailored and placed too great a burden on the protesters First Amendment rights and burdened "substantially more speech than is necessary than is necessary to further the government's legitimate interests." (*McCullen* quoting *Ward* 491 U.S. at 799.) The Court, in particular, pointed to the fact that the law denied the petitioners the ability to engage in even peaceful conversation and leafletting on public streets and sidewalks, exactly the kinds of speech that the First Amendment is meant to protect. Finally, the Court concluded that the Massachusetts "had not shown that it seriously undertook to address these various problems with the less intrusive tools readily available to it."

In the wake of *McCullen*, it appears that restrictions on traditional means of protest (especially leafleting and oral counseling) cannot be justified unless the government can show the following: (1) a record or history demonstrating the need for the restriction; (2) that the government considered less restrictive alternatives to address the problem; and (3) that those less restrictive alternatives failed. It is uncertain whether California could meet this burden. Is there a sufficient record demonstrating the need for the restriction? The sponsor's letter cites two incidents at synagogues in Los Angeles, one in 2024 and the most recent in December of 2025. In both instances, the protesters reportedly did more than hand out leaflets or engage in oral education, and the protest eventually led to violent confrontations and a handful of arrests. Thus, one alternative means suggested by these examples is that, rather than restrict peaceful leafletting and oral education, the state could use existing laws (such as the California FACE Act), which prevents harassment, intimidation, and obstructing entrances, which the supporters and press reports suggested was the problem. It would also be necessary to know whether the arrests that occurred at these two synagogues resolved the problem. Have there been continued protests at these locations or elsewhere in Los Angeles? These, of course, are not legal or constitutional questions, but empirical questions that need to be answered in order to justify restrictions on traditional forms of expression.

In addition, California would need to show that it had considered and implemented less restrictive alternatives, and that these alternatives have failed. For example, if the problem is, as supporters claim, harassment, intimidation, threats, and physical obstruction, could these problems be addressed by more aggressive enforcement of the FACE Act? Have there been efforts to enjoin the protesters when they have crossed the line of peaceful and non-harassing forms of conduct? If local governments have tried these methods, have they failed? Once again, these are empirical rather than legal questions, but the *McCullen* case suggests that if this bill is enacted and eventually challenged, California will need to document the problem, identify the less restrictive alternative means that have been employed, and produce evidence that the alternative means have failed.

The current federal administration and the revival of the federal FACE Act. Both the author and the Committee may wish to consider the potential consequences of enacting this measure, especially during the present political times. For example, while the federal FACE Act was enacted primarily to prohibit protests with a person's free access to reproductive health care clinics, in recent years the Act has been used for different ends. While the Trump

administration has announced that it will scale back use of the law to protect abortion clinics, Senator Thom Tillis has called for using the Act to prevent protests at crisis pregnancy centers, who protesters claim give false information to women about the health risks of abortion. In addition, earlier this year the Trump administration invoked the FACE Act (which protects places of worship as well as clinics) to arrest and successfully seek a grand jury indictment against journalist Don Lemon and several others who engaged in protests against ICE activity at a church in St. Paul Minnesota. While the sponsors of this bill may justifiably feel that the actions of anti-Israel and pro-Palestinian protesters at synagogues must be reined in, the bill may end up silencing other sympathetic protesters. In addition to the use of the FACE Act against anti-ICE protesters at a church in Minnesota, one can think of other examples, such as a group protesting the Catholic Church's response to allegations of child sexual abuse. The author and sponsors may believe that preventing groups who feel strongly about these issues from peacefully handing out leaflets at places of worship is justified and appropriate, but it is also appropriate to consider whether such a sweeping restriction will burden substantially more speech than is necessary.

Possible amendments. The author will not take amendments in this Committee, but if the bill moves out of this Committee, *the author may wish to consider amendments that would both protect peaceful leafleting and sidewalk counseling and thereby increase the bill's chances of surviving judicial scrutiny. If this bill were challenged, one cannot predict the kind or the scope of the precedents that could result, especially considering that the current U.S. Supreme Court has issued troubling reversals of many long-standing decisions. In particular, in light of the Court's suggestions in* McCullen, *and the traditional weight given to leafletting, sidewalk counseling, and other peaceful modes of protest, the author may wish to consider the following two amendments:*

> ***Permit peaceful leafletting and oral counseling or education if the 100 foot buffer extends into public sidewalks.*** The Court stressed in *McCullen* that leafletting and oral persuasion are historical, highly valued forms of protest, especially when they occur on public sidewalks. The 100-foot buffer in this bill is likely in most situations to extend into these traditional public fora, especially given that the 100-feet buffer is not measured from the entrance or exit of the building, but from any parking lot or driveway leading to the building. In short, the author may wish to consider an exception for peacefully offering a leaflet on a public sidewalk, even if it falls within the 100-foot buffer or the eight foot bubble. Indeed, not only the letters of support, but the bills legislative findings speak in terms ensuring "unimpeded access" and clarifying that "conduct that intentionally obstructs a person's lawful exercise of religious freedom is unlawful." However, the bill not only makes it unlawful to physically impede someone's access; it makes it unlawful to peacefully offer leaflets or engage in sidewalk counseling that does not physically obstruct or impede access.
>
> ***Restrict the bill's application to hours of religious service.*** While the stated intent of the bill is to protect a person's right to engage in religious worship, the bill would create a buffer zone and floating bubble around places of worship on any day of the week and any time of day, regardless of whether religious services were occurring. Places of worship are often used for events that have nothing to do with religious worship. For example, according to newspaper reports, at least some of protests, in California and elsewhere, occurred because the building was hosting a controversial speaker or other events unrelated to religious worship.

Finally, whether further amendments are adopted or not, the author and the bill's supporters should be prepared to meet the *McCullen* test by showing (1) a substantial record of the problem; (2) that less restrictive alternative means have been attempted; and (3) that these alternative means have failed.

***ARGUMENTS IN SUPPORT**:* Jewish California, the bill's sponsor, writes in support:

> The Anti-Defamation League reported in 2024 that antisemitic incidents have surged 307% over the last five years in California. As a result, Jewish community members are increasingly scared to go to synagogue. According to a recent American Jewish Committee study, 26% of Jewish Americans do not feel safe attending Jewish institutions.
>
> Here in California, we have witnessed this fear. Troubling protests outside Wilshire Boulevard Temple and Adas Torah in Los Angeles have left congregants feeling harassed and intimidated simply for trying to attend synagogue. We know similar incidents targeting other faith communities are increasing as well, threatening our collective First Amendment right to worship.
>
> AB 2664 responds to this crisis with a targeted, constitutionally sound solution. The bill establishes a 100-foot "Safe Worship Zone" around the entrances of houses of worship, within which protesters may not approach congregants without their consent. These protections ensure that people can enter and leave religious institutions without being confronted, surrounded, obstructed, or intimidated. This approach is not new. Bubble zone laws structured in similar ways have long been law across the country and have been upheld by the U.S. Supreme Court, which has consistently found this law to be a proper balance between two fundamental rights: the right to protest and the right to worship freely.
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> Critically, this bill protects Californians of all faiths. No congregant should have to face intimidation to practice their faith. At a moment of heightened tensions impacting many faith communities, AB 2664 makes clear that California will act to protect religious life and the dignity of all who engage with their faith.

***ARGUMENTS IN OPPOSITION**:* ACLU Action writes in opposition:

> The ACLU advocates for the principle that free expression for ourselves requires free expression for others, as the First Amendment guarantees us all the essential right to assemble peacefully to advocate for any cause. From speaking in public, through books and radio to film, television, and the internet — we have consistently fought to make sure people have the right to say, think, read, and write whatever they want without fear of government reprisal.
>
> The United States Supreme Court has repeatedly emphasized that public ways and sidewalks "occupy a 'special position in terms of First Amendment protection' because of their historic role as sites for discussion and debate." Since "time out of mind," these places have been used "for purposes of assembly, communicating thoughts between citizens, and discussing public questions." As currently drafted, AB 2664 defines a "place of religious worship" to be any space used primarily for "religious worship

activities," which explicitly includes a "parking lot [and] . . . driveway entrances of any such . . . space."

By restricting speech within 100 feet of places of religious worship, the bill would needlessly include public sidewalks, and in many places, people's private residence if they live within 100-feet of a place of religious worship, or its parking lot. Furthermore, this bill would prohibit within a buffer zone the ability to "display a sign," without ever approaching a person without their consent. If AB 2664 were to become law, this may include a person's private property who may have a sign with a political message visible to the public and suppress their political speech.

In McCullen v. Coakley the Supreme Court made clear that ordinances creating buffer zones around specific locations within public fora satisfy the First Amendment only if the government has compiled a substantial record justifying the need for such buffer zone. Specifically, the government needs to show that (1) there is a significant history of problems, such as illegal behavior that interferes with peoples' ability to access the locations covered by the ordinance (2) the government has employed other more narrowly targeted means to try address those problems, and (3) the alternative means have failed to achieve the government's objective. . . Even if the government could establish a sufficient record of problems at all "places of religious worship" covered by this bill, it would still need to show that it tried to employ other more narrowly tailored methods to address them without success before it could adopt a buffer zone that complies with the First Amendment.

ARGUMENTS IN OPPOSITION UNLESS AMENDED. The California Public Defenders Association (CPDA) opposes this bill unless it is amended to be more narrowly tailored so as not to reach traditional and peaceful forms of conduct. CPDA also objects to the steep fines and criminal penalties, including incarceration for up to one year. CPDA wrote its letter of opposition before the amendments taken in the Assembly Public Safety Committee reduced the fines and reduced the felony offense to a misdemeanor. It is unclear, however, if these changes were enough to change their position.

REGISTERED SUPPORT / OPPOSITION:

Support

Jewish California (sponsor)
30 Years After
Adat Shalom Los Angeles
Agudath Israel of California
AJC - Los Angeles
AJC - San Diego
AJC Northern California
Anti-Defamation League
Bay Area Center to Counter Antisemitism
Bay Area Jewish Coalition Education & Advocacy
Beverly Hills Synagogue
Board of Rabbis of Southern California
California Jewish Democrats
Chai Marin

Contra Costa Jewish Democrats
Hadassah, the Women's Zionist of America, INC.
Hillel of San Diego
Hindu American Foundation, INC.
JCC/Federation of San Luis Obispo
JCRC Bay Area
JCRC Long Beach
Jewish Center for Justice
Jewish Center of Berkeley
Jewish Community Relations Council of Sacramento
Jewish Democratic Coalition of the Bay Area
Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and Sonoma Counties
Jewish Family Service LA
Jewish Family Service of San Diego
Jewish Family Service of the Desert
Jewish Family Services of Silicon Valley
Jewish Federation Bay Area
Jewish Federation Los Angeles
Jewish Federation of Greater Santa Barbara
Jewish Federation of Orange County
Jewish Federation of San Diego
Jewish Federation of the Desert
Jewish Federation of the Greater San Gabriel and Pomona Valleys
Jewish Federation of Ventura County
Jewish Silicon Valley
JFCS East Bay
National Council of Jewish Women CA
Northern California Jewish Labor Committee
Oakland Jewish Alliance
Palo Alto Jewish Alliance
Progressive Zionists of California
Sf Jews in School
Stand With Us
Valley Beth Shalom

Opposition

ACLU California Action
All of US or None (HQ)
Arab American Anti-discrimination Committee
Californians United for a Responsible Budget
Central Coast Antiwar Coalition
Democrats for Palestinian Rights - Bay Area
Ella Baker Center for Human Rights
Friends Committee on Legislation of California
Interfaith Movement for Human Integrity
Jewish Voice for Peace Santa Barbara
Justice2jobs Coalition

LA Defensa
Legal Services for Prisoners With Children
Local 148 Los Angeles County Public Defender's Union
San Francisco Public Defender

Opposition Unless Amended

California Public Defenders Association
Oakland Privacy

Analysis Prepared by: Tom Clark / JUD. / (916) 319-2334