
THIRD READING

Bill No: AB 2664
Author: Bauer-Kahan (D), et al.
Amended: 8/20/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 6/16/26

AYES: Arreguín, Seyarto, Caballero, Cortese, Wiener

NO VOTE RECORDED: Pérez

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26

AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 61-2, 5/26/26 - See last page for vote

SUBJECT: Places of religious worship: unlawful activities

SOURCE: Jewish California

DIGEST: This bill prohibits a person, within a radius of 100 feet from an entrance or exit of a place of religious worship, from intentionally and nonconsensually approaching another person seeking to enter or exit a place of religious worship within 8 feet of that person to engage in specified conduct with that person.

Senate Floor Amendments of 8/20/26 clarify the definition of “place of religious worship” with regard to parking lots and specify that the above prohibition protects only those seeking to enter or exit a place of religious worship.

ANALYSIS:

Existing law:

- 1) Provides that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. (U.S. Constitution (Const.), 1st Amend.)
- 2) Provides that the free exercise and enjoyment of religion without discrimination or preference are guaranteed, and that the Legislature of the State of California shall make no law respecting an establishment of religion. (California (Cal.) Const, art. I, § 3.)
- 3) Establishes a legislative finding and declaration that it is the right of every person regardless of actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with these actual or perceived characteristics, to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals. (Penal [Pen.] Code, §11410, subd. (a).)
- 4) Establishes that the Legislature recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs, but also that the advocacy of unlawful violent acts by groups against other persons or groups under circumstances where death or great bodily injury is likely to result is not constitutionally protected, poses a threat to public order and safety, and should be subject to criminal and civil sanctions. (Ibid.)
- 5) Provides that, except as provided, any person who willfully threatens, by any means, including, but not limited to, an image or threat posted or published on an internet web page, to commit a crime that will result in death or great bodily injury to another person or persons at any number of specified locations, including a house of worship, with specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, if the threat on its face and under the circumstances in which it is made is so unequivocal, unconditional, immediate, and specific as to convey to the person or persons threatened a gravity of purpose and an immediate prospect of execution of the threat, and if that threat causes a person or persons to reasonably be in sustained fear for their own safety or the safety of others at these locations, shall be guilty of a crime, punishable as a wobbler. (Pen. Code, § 422.3.)
- 6) Provides, via the California Freedom of Access to Clinic and Church Entrances (FACE) Act, that every person who, except a parent or guardian acting towards

his or her minor child or ward, commits any of the following acts shall be subject to criminal punishment, as specified:

- 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 client, 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 client, provider, or assistant; or
 - 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 any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; or
 - 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 client, 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 client, provider, or assistant; or
 - d) By nonviolent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; or
 - 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 client, provider, assistant, or facility; or
 - f) Intentionally damages or destroys the property of a place of religious worship. (Pen. Code, § 423.2, subds. (a)-(f).)
- 7) Makes a first violation involving nonviolent physical obstruction a misdemeanor, punishable by imprisonment in a county jail for a period of not more than six months and a fine not to exceed \$2,000. (Pen. Code, § 423.3, subd. (a).)
- 8) Makes a second or subsequent violation involving violation involving nonviolent physical obstruction a misdemeanor, punishable by imprisonment in

a county jail for a period of not more than six months and a fine not to exceed \$5,000. (Pen. Code, § 423.3, subd. (b).)

- 9) Makes a first violation involving force, threat of force, or physical obstruction that is a crime of violence or intentional property damage a misdemeanor, punishable by imprisonment in a county jail for a period of not more than one year and a fine not to exceed \$25,000. (Pen. Code, § 423.3, subd. (c).)
- 10) Makes a second or subsequent violation involving force, threat of force, or physical obstruction that is a crime of violence or intentional property damage a misdemeanor, punishable by imprisonment in a county jail for a period of not more than one year and a fine not to exceed \$50,000. (Pen. Code, § 423.3, subd. (d).)
- 11) Provides that a person aggrieved by a violation of the FACE Act may bring a civil action to enjoin the violation, for compensatory and punitive damages, and for the costs of suit and reasonable fees for attorneys and expert witnesses, except that only a person lawfully exercising or seeking to exercise the First Amendment right of religious freedom in a place of religious worship, or the entity that owns or operates a place of religious worship, may bring an action under provisions of the FACE Act related to conduct at a place of worship. (Pen. Code, § 423.4, subd. (a).)
- 12) Provides that courts in which a criminal or civil proceeding is filed for violations of the FACE Act shall take all action reasonably required, including granting restraining orders, to safeguard the health, safety, or privacy of specified parties that are parties to the proceeding, witnesses, victims, potential victims and others. (Pen. Code, § 423.5, subd. (a).)
- 13) Makes it a wobbler for a person to burn or desecrate a cross or other religious symbol, knowing it to be a religious symbol, on the property of a place of worship for the purpose of terrorizing a person who attends it, works at it, or is otherwise associated with it. (Pen. Code, § 11411, subd. (d).)
- 14) Provides that any person who, with intent to cause, attempts to cause or causes another to refrain from exercising his or her religion or from engaging in a religious service by means of a threat, directly communicated to such person, to inflict an unlawful injury upon any person or property, and it reasonably appears to the recipient of the threat that such threat could be carried out is guilty of a felony. (Pen. Code, § 11412.)

- 15) Defines “hate crime” as a criminal act committed, in whole or in part, because of one or more specified actual or perceived characteristics of the victim, including the victim’s religion., where “religion” is defined as including all aspects of religious belief, observance, and practice and includes agnosticism and atheism. (Pen. Code, §§ 422.55, 422.56, subd. (g).)
- 16) Provides that a person, whether or not acting under color of law, shall not, by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other 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 the actual or perceived characteristics of the victim, including the victim’s religion. (Pen. Code, § 422.6, subd. (a).)
- 17) Provides that a person, whether or not acting under color of law, shall not knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with 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 the actual or perceived characteristics of the victim, including the victim’s religion. (Pen. Code, § 422.6, subd. (b).)
- 18) Provides that every person who intentionally disturbs or disquiets any assemblage of people met for religious worship at a tax-exempt place of worship, by profane discourse, rude or indecent behavior, or by any unnecessary noise, either within the place where the meeting is held, or so near it as to disturb the order and solemnity of the meeting, is guilty of a misdemeanor punishable by a fine not exceeding \$1,000, or by imprisonment in a county jail for a period not exceeding one year, or by both that fine and imprisonment. (Pen. Code, § 302, subd. (a).)

This bill:

- 1) Provides that, within a 100-foot radius from an entrance or exit from a place of worship a person shall not, without consent, intentionally approach another person seeking to enter or exit a place of religious worship within 8 feet of that person to do either of the following:
 - a) Pass a leaflet or handbill to, display a sign to, or engage in oral protest or education with the other person.
 - b) Harass, obstruct, threaten, or intimidate the other person.

- 2) Provides that 8 feet shall be measured from the body of the person seeking to enter or exit a place of religious worship, or the exterior of a motor vehicle seeking to enter or exit a parking lot, to the body of, or any sign or object held by, another person.
- 3) Defines “place of religious worship” as any building, structure, or space that is used primarily for religious worship activities or to provide religious education or instruction. A “place of religious worship” shall include the parking lot and parking lot entrances, if the primary entrance to the building is through the parking lot, and the driveway and driveway entrances of any such building, structure, or space.
- 4) Provides that 100 feet 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, a person.
- 5) Provides that a first violation of the prohibition above is a misdemeanor, punishable by a fine not exceeding one \$1,000, imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment.
- 6) Provides that a second or subsequent violation of this section is punishable by a fine not to exceed \$5,000, by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment.
- 7) Includes a severability clause.

Comments

California law safeguards the free exercise of religion and religious worship through a robust and well-established set of criminal statutes addressing a wide range of conduct. In 2001, the Legislature enacted AB 780 (Ortiz, Chapter 899, Statutes of 2001) which established a California FACE Act modeled closely after its federal counterpart, and as such included criminal penalties for conduct interfering with both religious and reproductive rights. Substantively, the California FACE Act sets forth 8 distinct crimes, three of which specifically apply to interference with persons or property damage at places of worship, and punishable as either misdemeanors or felonies depending on specified factors.

Perhaps the most comprehensive and well-defined criminal protections for religious freedom in California are its hate crime statutes, which include both standalone offenses and sentencing enhancements for specific conduct. Existing law defines “hate crime” as a criminal act committed, in whole or in part, because of one or more specified actual or perceived characteristics of the victim, including the victim’s religion, where “religion” is defined as including all aspects of

religious belief, observance, and practice and includes agnosticism and atheism. The criminal statutes include a standalone wobbler prohibiting the use of force or threat of force to willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of a constitutional right, as well as an enhancement that allows other misdemeanors, if motivated by religious animus (or any other desire to interfere with constitutional rights), to be charged as felonies. Yet another provision adds up to three additional years to felony hate crime sentences for specified aggravating conduct, such as acting in concert, using a firearm in the commission of the offense, or having a prior hate crime conviction.

Citing an uptick in antisemitism and violence driven by religious animus, the author seeks to add to this body of law aimed at protecting the free exercise of religion. Specifically, this bill prohibits a person, within a 100-foot radius from an entrance or exit of a place of religious worship, from intentionally and nonconsensually approaching within eight feet of another person seeking to enter or exit a place of religious worship 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. A violation of this provision is a misdemeanor, punishable by a fine of up to \$1000 and 6 months in jail for a first offense, and by a fine of up to \$5,000 and a year in jail for a second or subsequent offense. The bill defines “place of religious worship” as any building, structure, or space that is used primarily for religious worship activities or to provide religious education or instruction, including their parking lots, parking lot entrances, if the primary entrance to the building is through the parking lot, and the driveway and driveway entrances of such building. Moreover, this bill specifies that 100 feet 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, a person, and 8 feet shall be measured from the body of the person seeking to enter or exit a place of religious worship, or the exterior of the occupied motor vehicle seeking to enter or exit a parking lot, to the body of, or any sign or object held by, another person.

This bill includes a legislative intent section stating that its substantive provisions are “aimed at making clear that conduct that intentionally obstructs a person’s lawful exercise of that person’s religious freedom under the California Constitution and United States Constitution is unlawful.” To that end, this bill’s findings go on to state that “the protection of 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 is not intended to “seek to favor one viewpoint over another or to limit speech regarding any specific topic.” While these findings have no bearing on the measure’s ultimate constitutionality, they do

foreshadow the First Amendment analysis that is likely to be dispositive in that regard.

For a discussion of this issue, please see the analysis prepared by the Senate Committee on Public Safety.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

Unknown, potentially significant court costs to adjudicate the new misdemeanor offense.

The fiscal impact will depend on the number of people charged with the new offense and the factors unique to each case. An eight-hour court day costs approximately \$10,500. Although the courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create demand for increased funding. The 2026-27 Budget provides \$70 million to help pay for increased trial court operation costs (Trial Court Trust Fund, General Fund).

Unknown cost pressure on the counties depending on how the misdemeanor sentence is imposed. Actual costs will depend on the number of convictions and whether the punishment is incarceration, a fine, or both. The average annual cost to incarcerate one person in county jail is approximately \$77,250. In 2021 Los Angeles County budgeted \$1.3 billion for jail costs, including \$89,580 per incarcerated person. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).

SUPPORT: (Verified 8/13/26)

Jewish California (source)
30 Years After
88th Street Temple Church of God in Christ
Adas Torah
Adat Shalom
Adat Shalom Los Angeles
ADL
Agudath Israel of California
Agudath Israel of California
Ahavat Torah
American Jewish Committee - Los Angeles

American Jewish Committee - Northern California
American Jewish Committee - San Diego
B'Nai David-Judea Congregation
Bay Area Center to Counter Antisemitism
Bay Area Jewish Coalition Education & Advocacy
Bel Air Church
Beverly Hills Synagogue
Board of Rabbis of Southern California
Breath of Life Los Angeles
Breed Street Shul Project
Brotherhood Crusade
Cal-pac Annual Conference
California Jewish Democrats
California Sikh Council
Chai Marin
Congregation Kol Ami
Contra Costa Jewish Democrats
Democrats for Israel Los Angeles
Episcopal Diocese of Los Angeles
Faith and Community Empowerment
Greater Zion Church Family
Hadassah, the Women's Zionist of America, INC.
Hillel of San Diego
Hindu American Foundation
Hindu American Foundation, INC.
Hollywood Temple Beth El
Holocaust Museum LA
Hope the Mission
Iman Cultural Center
Israeli-American Council
JCAN
JCC Federation of San Luis Obispo
JCRC, Bay Area
JCRC, Santa Barbara County
JCRC, Jewish Long Beach
Jewish California
Jewish Center for Justice
Jewish Coalition of Berkeley
Jewish Community Relations Council of Sacramento
Jewish Democratic Club of Marin

Jewish Democratic Coalition of the Bay Area
Jewish Family & Community Services East Bay
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 the Sacramento Region
Jewish Federation of Ventura County
Jewish Free Loan Association
Jewish Partisan Educational Foundation
Jewish Silicon Valley
Jewish War Veterans, Department of California
JFCS Long Beach and Orange County
Korean American Federation of Los Angeles
Los Angeles Baha'i Center
National Council of Jewish Women CA
National Council of Jewish Women- SF
National Council of Jewish Women-California
Northern California Jewish Labor Committee
Oakland Jewish Alliance
Osborne Neighborhood Church
Osbourne Neighborhood Church
Palo Alto Jewish Alliance
Pasadena Jewish Temple and Center
Progressive Zionists of California
ReNew UMC
Restauracion LA
Sephardic Temple Tifereth Israel
SF Jews in School
Simon Wiesenthal Center
Sinai Temple

SLACDEC

Southwest California Synod of the Evangelical Lutheran Church of America

St Paul the Apostle Catholic Community

StandWithUs

Stephen Wise Temple, Los Angeles, CA

Temple Beth Hillel

Temple Beth-el

Temple Judea of Laguna Hills

Temple Ramat Zion

The Jewish Coalition of Berkeley

United Methodist Church

Valley Beth Shalom

West Angeles Church Community Development Corporation

Western Diocese of the Armenian Church of North America

Westwood Presbyterian Church

Westwood United Methodist Church

Wilshire Boulevard Temple

Young Israel of Century City

OPPOSITION: (Verified 8/13/26)

1021 Jewish Workers for Justice

1021 Members for Palestine

ACLU California Action

Aroc Action

Bend the Arc California

CAIR California

California Teachers Association

California Public Defenders Association

Californians United for a Responsible Budget

Ella Baker Center for Human Rights

Friends Committee on Legislation of California

Harmony Law

Jewish Parents for Collective Liberation

Jewish Voice for Peace Santa Barbara

Jewish Voice for Peace, Sacramento Chapter

Jewish Voice for Peace-South Bay

Justice2Jobs Coalition

La Defensa

Local 148 Los Angeles County Public Defender's Union

Oakland Privacy

Orale: Organizing Rooted in Abolition, Liberation, and Empowerment

Palestine Justice Coalition, Santa Cruz

Quit! (queers Undermining Israeli Terrorism)

Sacramento Regional Coalition for Palestinian Rights

San Francisco Public Defender

South Bay People Power

Workers Circle/Arbeter Ring of Northern California

Multiple Individuals

ASSEMBLY FLOOR: 61-2, 5/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Calderon, Caloza, Carrillo, Chen, Connolly, Davies, Dixon, Ellis, Fong, Gabriel, Gipson, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Krell, Lackey, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: DeMaio, Tangipa

NO VOTE RECORDED: Bonta, Bryan, Castillo, Elhawary, Flora, Gallagher, Garcia, Jeff Gonzalez, Hadwick, Johnson, Kalra, Lee, Muratsuchi, Ransom, Celeste Rodriguez, Sharp-Collins, Ta

Prepared by: Alex Barnett / PUB. S. /
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