

CONCURRENCE IN SENATE AMENDMENTS

AB 2664 (Bauer-Kahan)

As Amended August 20, 2026

Majority vote

SUMMARY

Prohibits any person from, within 100 feet of an entrance or exit of a place of religious worship, as specified, and without consent, intentionally approaching another person seeking to enter or exit a place of worship within eight feet of that person and pass a leaflet or handbill, display a sign to, or engage in oral protest or education of a person, or harass, obstruct, threaten, or intimidate another person.

Senate Amendments

- 1) Clarifies a "place of worship" parking lot entrance is included in the 100 ft. radius requirement only if the primary entrance to the building is through the parking lot, and the driveway.
- 2) Clarifies that the eight ft. radius applies when a person is seeking to enter or exit a place of religious worship, or the exterior of a motor vehicle that the person occupies while seeking to enter or exit a parking lot.

COMMENTS

As Passed by the Assembly, this bill: Prohibited any person from, within 100 feet of an entrance or exit of a place of religious worship, as specified, and within eight feet of a person or occupant of vehicle, passing a leaflet or handbill, displaying a sign to, or engaging in oral protest or education of a person or occupant of a vehicle, or harassing, obstructing, threatening, or intimidating another person or occupant of a vehicle.

Major Provisions

- 1) Forbade any 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, unless they consent, 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 or occupant.
 - b) Harass, obstruct, threaten, or intimidate the other person or occupant.
- 2) Mandated eight 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.
- 3) Stated 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.

- 4) Stated a first violation of this prohibition is a misdemeanor, punishable by up to six months in county jail, or a fine not more than \$1,000, or by both imprisonment and fine.
- 5) Stated a second or subsequent violation of this prohibition is a misdemeanor punishable by up to one year in county jail, or by a fine of not more than \$5,000, or by both imprisonment and fine.
- 6) Stated the provisions of this bill are severable.
- 7) Stated the intent of the Legislature as follows: "The Legislature recognizes that access to places of worship is imperative to the free exercise of religion in the State of California. Ensuring the safety and unimpeded access of individuals entering and exiting places of worship is therefore a compelling government interest and essential for the immediate preservation of public peace and safety. Toward that end, this section is 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. The Legislature further finds 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 affirms that its intent is to not seek to favor one viewpoint over another or to limit speech regarding any specific topic."

According to the Author

"Amidst rising antisemitism and hate, many Jewish People fear simply going to synagogue. A recent study from the American Jewish Committee (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."

Arguments in Support

According to *Jewish California*, "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.

"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

According to the *ACLU California Action*, "We strongly believe in 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."¹ Since "time out of mind," these places have been used "for purposes of assembly, communicating thoughts between citizens, and discussing public questions."² 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 for a 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 people's 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.

¹ *McCullen v. Coakley*, 573 U.S. 464, 476 (2014) (quoting *United States v. Grace*, 461 U.S. 171, 180 (1983)).

² *Id.* (internal quotations omitted)

"The Court recognized that Massachusetts had "significant interests in maintaining public safety on . . . streets and sidewalks, as well as in preserving access to adjacent healthcare facilities."³ But the Court nonetheless ruled that the law and the 35 foot buffer zone — which was much smaller than the buffer zone proposed in this bill — was not narrowly tailored to address this interest, and instead constituted the "extreme step of closing a substantial portion of a traditional public forum to all speakers."⁴

"Moreover, courts are particularly concerned about these kinds of buffer zones because they target "one-on-one communication, which is the most effective, fundamental, and perhaps economical avenue of political discourse."⁵ 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.

"For example, if the government has identified problems with people blocking others from entering into a place of worship, it will need to show that law enforcement has tried to address the problem through application of legal state or local law.⁶ If there is a record of people's being harassed or assaulted at a place of religious worship, the government would need to show that it has attempted to enforce "generic criminal statutes forbidding assault [and] breach of the peace" without success before it could justify adopting an expansive buffer zone covering all of California.⁷ Finally, if the government were to identify problems at particular spaces, it could pursue the more narrowly tailored remedy of an injunction at those locations, rather than an overly broad ordinance that would apply to tens of thousands of religious spaces throughout California.⁸

"The enormous breadth of this ordinance is exacerbated by the fact that — by definition — it would restrict peaceful protests on a huge number of public streets and sidewalks, or even people's private residence. Fixed buffer zones pose serious First Amendment problems and should be permitted only in the most limited circumstances. The ACLU continues to ensure that buffer zones are imposed only when there are competing constitutional rights at stake and where protesters are provided with adequate ways to communicate their message. This proposal falls far short of this standard."

FISCAL COMMENTS

According to the Senate Appropriations Committee, "Unknown, potentially significant court costs to adjudicate the new misdemeanor offense.

³ *Id.* at 497.

⁴ *Id.*

⁵ *Id.* at 488.

⁶ See *id.* at 492 (noting that risks created by blocking entrances "can readily be addressed through existing local ordinances"); see also Cal. Penal Code Section 647c ("Every person who willfully and maliciously obstructs the free movement of any person on any street, sidewalk, or other public place or on or in any place open to the public is guilty of a misdemeanor.")

⁷ *Id.*

⁸ *Id.* at 492 ("We have previously noted the First Amendment virtues of targeted injunctions as alternatives to broad, prophylactic measures.")

"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)."

VOTES:

ASM PUBLIC SAFETY: 8-0-1

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos

ABS, ABST OR NV: Sharp-Collins

ASM JUDICIARY: 10-0-2

YES: Macedo, Bauer-Kahan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ABS, ABST OR NV: Kalra, Bryan

ASM APPROPRIATIONS: 11-2-2

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

NO: Dixon, Tangipa

ABS, ABST OR NV: Sharp-Collins, Ta

ASSEMBLY FLOOR: 61-2-17

YES: 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

NO: DeMaio, Tangipa

ABS, ABST OR NV: Bonta, Bryan, Castillo, Elhawary, Flora, Gallagher, Garcia, Jeff Gonzalez, Hadwick, Johnson, Kalra, Lee, Muratsuchi, Ransom, Celeste Rodriguez, Sharp-Collins, Ta

UPDATED

VERSION: August 20, 2026

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