
THIRD READING

Bill No: SB 1354
Author: Archuleta (D)
Amended: 4/23/26
Vote: 21

SENATE MILITARY & VETERANS COMMITTEE: 3-1, 4/20/26
AYES: Archuleta, McNerney, Umberg
NOES: Grove
NO VOTE RECORDED: Menjivar

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 4/21/26
AYES: Arreguín, Caballero, Cortese, Pérez, Wiener
NOES: Seyarto

SUBJECT: The military: defense of the state

SOURCE: Author

DIGEST: This bill prohibits military personnel of another state, territory, or district from entering, or causing something to enter, California to perform military duty or law enforcement functions without the permission of the Governor. The bill exempts personnel acting under federal Title 10 authority and allows the Governor to delegate approval authority to the Adjutant General.

ANALYSIS:

Existing law:

- 1) Establishes the militia of the United States and divides it into organized and unorganized militia, with the organized militia consisting of the National Guard and Naval Militia. Existing federal law also authorizes the President to call National Guard units into federal service under specified circumstances (10 United States Code (U.S.C.) §§ 246, 12406).

- 2) Authorizes mutual assistance among member states through the Emergency Management Assistance Compact (EMAC) in managing a disaster declared by the governor of the affected state (Government (Gov.) Code §§ 179, 179.5).
- 3) Establishes within California state government the Military Department, including the office of the Adjutant General, the California National Guard, and the State Guard. Existing law also provides that the Governor is commander in chief of the militia of the state (Military & Veterans Code §§ 51, 120, 140).

This bill:

- 1) Prohibits military personnel of another state, territory, or district from entering, or causing something to enter, California to perform military duty or law enforcement functions without the permission of the Governor.
- 2) Exempts military personnel who have been called into active federal service under Title 10 of the United States Code and who are acting under the authority of the President of the United States or the United States Secretary of Defense.
- 3) Authorizes the Governor to delegate the authority to grant permission to the Adjutant General.

Background

Under existing California law, the state's Military Department consists of the office of the Adjutant General, who serves as the senior military officer of the state and administers the Military Department, together with the California National Guard and the State Guard, while the Governor serves as commander in chief of the state militia. Federal law also permits interstate mutual aid through the EMAC, which allows military assistance among member states when the governor of an affected state declares an emergency.

The National Guard occupies a unique legal position because it can operate under both state and federal authority, and the source of that authority determines who exercises command and control. When National Guard members are activated on state active duty, they remain under the command of the governor and carry out state missions, such as emergency response or other in-state operations. When they serve under Title 32 of the United States Code, they also generally remain under the governor's command, even though the service is federally authorized and funded in certain circumstances. By contrast, when Guard members are called into Title 10 federal active duty, they are placed in federal service and no longer operate under state command. This distinction matters in domestic operations

because it determines whether military personnel are acting under state authority or federal authority.

California law does not currently contain a clear statutory requirement that military forces from another state obtain the Governor's permission before entering California to perform military duty or law enforcement functions. That issue has received greater attention in light of recent disputes over the use of military personnel in domestic operations, including the Title 10 activation of National Guard personnel in Los Angeles in June 2025 and the resulting litigation over federal authority, state control, and the permissible role of troops in civilian settings. Several other states, including Maryland, Texas, Kansas, Oklahoma, Idaho, North Dakota, and Washington, have enacted similar laws, and related legislation has also been introduced in Oregon.

Comment

According to the author: "The Title 10 activation of National Guard personnel across the country this past summer drew attention to state and federal authorities governing the use of National Guard in domestic situations. While Governors do not have command and control over their National Guards or other Military Forces in a Title 10 (Federal Active Duty) status, they do retain command and control over their National Guards in the traditional Title 32 Status and for state emergency activations. This legislation protects state sovereignty by ensuring that military personnel from other states only enter California for appropriate missions and training. Other states' military forces should not be used to enforce federal law in California unless activated under the correct federal authority."

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

SUPPORT: (Verified 4/13/26)

California Public Defenders Association

OPPOSITION: (Verified 4/13/26)

None received

ARGUMENTS IN SUPPORT: According to the California Public Defenders: "SB 1354 would make it a crime for military personnel from another state, territory, or district to enter California to perform military or law enforcement functions without the express permission of the Governor. As public defenders, we have long witnessed how unauthorized and overly aggressive law enforcement actions—particularly those involving militarized tactics and racial profiling—

inflict deep and lasting harm on our clients and communities. SB 1354 is a critical safeguard affirming that California will not tolerate unlawful or uncoordinated incursions by outside state or federal forces that threaten our residents' constitutional rights, safety, and peace of mind.

The bill's clear prohibition on out-of-state, unapproved military activity reinforces the Governor's constitutional authority as Commander in Chief of the state militia and ensures California retains control over any armed or law enforcement operations conducted within its borders. This measure helps prevent the misuse of military power in civilian contexts by the Immigration and Customs Enforcement—especially against communities that already experience disproportionate policing and surveillance.

By establishing meaningful penalties for violations, SB 1354 sends a firm message that Californians value accountability, transparency, and respect for state sovereignty. It aligns with our state's longstanding commitment to due process, equal protection, and community safety built on trust rather than intimidation.”

Prepared by: Diego Nelson / M.&V.A. / (916) 651-1503
4/29/26 16:22:17

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