

Date of Hearing: June 30, 2026

Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

SB 1354 (Archuleta) – As Amended June 24, 2026

SUMMARY: Prohibits military personnel of another state, territory, or district from entering, or causing something to enter, the state to perform military duty or law enforcement functions without the permission of the Governor, except as specified. Specifically, **this bill:**

- 1) States that military personnel of another state, territory, or district shall not enter, or cause something to enter, the state to perform military duty or law enforcement functions without the permission of the Governor.
- 2) Authorizes the Governor to delegate authority to grant permission to enter the state, as described, to the Adjutant General.
- 3) Specifies that this law does not apply to military personnel of another state, territory, or district who have been called into active federal service and who are acting under the authority of the President of the United States or the United States Secretary of Defense.

EXISTING FEDERAL LAW:

- 1) Establishes the conditions under which state militia forces are organized, trained, equipped and funded by the federal government, and authorizing their activation for specified federal missions while remaining under state command. (32 U.S.C. § 101 et. seq.)
- 2) Authorizes the federal government to activate state militia forces for specified federal missions and subsuming these forces under federal control. (10 U.S.C. § 10001 et. seq.)
- 3) Provides that whenever the President of the United States is unable with the regular forces to execute the laws of the United States, the President may call into federal service members and units of the National Guard of any State in such numbers as they consider necessary to execute those. (10 U.S.C. § 12406.)

EXISTING STATE LAW:

- 1) Provides that the Governor is commander in chief of a militia that shall be provided by statute, and may call it forth to execute the law. (Cal. Const., art. V, § 7.)
- 2) Ratifies California's participation in the Interstate Civil Defense and Disaster Compact for the purpose of providing mutual aid among the states in meeting any emergency or disaster from enemy attack or other cause, as specified. (Gov. Code, §§ 177-178.5)

- 3) Ratifies California's participation in the Emergency Management Assistance Compact, the purpose of which is to provide for mutual assistance between the states entering into this compact in managing any emergency or disaster that is duly declared by the governor of the affected state, whether arising from natural disaster, technological hazard, manmade disaster, civil emergency aspects of resource shortages, community disorders, insurgency, or enemy attack. (Gov. Code, §§ 179-179.9.)
- 4) Provides that any regularly employed law enforcement officer of the Oregon State Police, the Nevada Department of Motor Vehicles and Public Safety, or the Arizona Department of Public Safety is a peace officer in this state if several specified conditions are met, including that the adjoining state employing the officer confers similar rights and authority upon a member of the California Highway Patrol who renders assistance within that state. (Pen. Code, § 830.39.)
- 5) States that the Uniform Code of Military Justice (UCMJ) (Chapter 47 (commencing with Section 801) of Title 10 of the United States Code) and the rules and regulations adopted thereunder, together with the Manual for Courts-Martial, United States, are hereby adopted as a part of this code and shall govern and be applicable, except as otherwise provided in this code or in the California Manual for Courts-Martial or other regulations adopted by the Governor or the Adjutant General, to the active militia, including the California National Guard. (Mil. & Vets. Code, § 102.)
- 6) Provides that the militia of the State consists of the National Guard, State Guard and the Naval Militia – which constitute the active militia – and the unorganized militia, which consists of all persons liable to service in the militia, but not members of the National Guard, State Guard and the Naval Militia. (Mil. & Vets. Code, §§ 120-121.)
- 7) Provides that the Governor of the State, by virtue of his office, is the Commander in Chief of the Militia of the State. (Mil. & Vets. Code, § 140.)
- 8) Specifies that the staff of the Governor consists of the Adjutant General and such aides as the Governor designates from the personnel of the National Guard and Naval Militia to serve during his incumbency, as specified. (Mil. & Vets. Code, § 141.)
- 9) Provides that the Governor may order the active militia or any portion of it to perform military duty of every description, including necessary administrative duties, in this state or any other state or territory, as specified. (Mil. & Vets. Code, § 142.)
- 10) Provides that the Governor may call into active service any portion of the active militia as may be necessary, and if the number available be insufficient, the Governor may call into active service any portion of the unorganized militia as may be necessary, in any of the following events:
 - a) In case of war, insurrection, rebellion, invasion, tumult, riot, breach of the peace, public calamity or catastrophe, as specified.
 - b) Upon call or requisition of the President of the United States.

- c) Upon call of any United States marshal in California, or upon call of any officer of the United States Army commanding an army, as specified, or upon call of any officer of the United States Air Force commanding an air force, as specified.
 - d) Upon call of the chief executive officer of any city or city and county, or of any justice of the Supreme Court, or of any judge of the superior court, or of any sheriff, setting forth that there is an unlawful or riotous assembly with intent to commit a felony, or to offer violence to person or property, or to resist the laws of the State of California or the United States or that there has occurred a public calamity or catastrophe requiring aid to the civil authorities.
 - e) Upon call of the sheriff setting forth that the civil power of the county is not sufficient to enable the sheriff to execute process delivered to them. (Mil. & Vets. Code, § 146.)
- 11) States that the Governor shall direct the Adjutant General to make rules and regulations in conformity with this code, as specified, which shall conform as nearly as practicable to those governing the United States Army, United States Air Force, and United States Navy. The rules and regulations shall have the same force and effect as the provisions of this code. (Mil. & Vets. Code, § 148.)
- 12) Establishes that a finding by the Governor that it is impracticable to conform rules and regulations to those governing the United States Army, United States Air Force, or United States Navy shall be conclusive and the rules and regulations shall have force and effect over inconsistent rules, regulations, directives, manuals, or practices governing any of the Armed Forces of the United States. (Mil. & Vets. Code, § 148.)
- 13) Provides that the Adjutant General is the chief of staff to the Governor, subordinate only to the Governor and is the commander of all state military forces. (Mil. & Vets. Code, § 160.)
- 14) States that the Adjutant General shall perform such duties as are prescribed in this code and such additional duties consistent with the regulations and customs of the United States Army, United States Air Force, and the United States Navy as may be prescribed by the Governor. He shall issue all orders in the name of the Governor. (Mil. & Vets. Code, § 163.)
- 15) Defines “state of war emergency” as “the condition that exists immediately, with or without a proclamation thereof by the Governor, whenever this state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that an enemy attack is probable or imminent.” (Gov. Code, § 8558, subd. (a).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Sponsor:** Author-sponsored
- 2) **Author's Statement:** 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.”

- 3) **Effect of the Bill:** Under existing federal law, members of a state's National Guard receive orders under one of two legal frameworks: Title 32 or Title 10 of the United States Code. The official website of the Uniform Code of Military Justice describes the distinction between these types of orders as follows:

Title 10 orders are issued under the authority of the president and involve federal active-duty military service. This means that when a National Guard member is activated under Title 10 U.S.C., they are directed by the president to report for federal active-duty military service. These orders typically involve overseas mobilizations and have a focus on national defense. On the other hand, Title 32 orders are authorized by a state's governor and involve active duty under state control, with pay and benefits provided by the federal government. Activation under Title 32 U.S.C. means that the National Guard member performs active duty under state control but receives pay and benefits from the federal government. These orders are often used for natural disasters and state-level missions.¹

Outside of these federal frameworks, members of the National guard may be ordered to active duty by the governor of their state. California law authorizes the Governor, who is designated the Commander in Chief of the militia of the state, to “order the active militia or any portion of it to perform military duty of every description, including necessary administrative duties.” (Mil. & Vets. Code, §§ 140, 142.)

This bill expressly prohibits military personnel of another state, territory, or district from entering, or causing something to enter, the State of California to perform military duty or law enforcement functions without the permission of the Governor. This prohibition, however, does not apply to such military personnel who have been activated under Title 10 and are acting under the authority of the President or the Secretary of Defense. SB 1354 permits the Governor to delegate authority to grant permission to enter the state to the Adjutant General.

Other states already have similar provisions addressing this issue. Indeed, at least seven other states (Texas, Kansas, Maryland, Oklahoma, Idaho, North Dakota, and Washington) have enacted such laws, all of which are substantially similar to SB 1354.²

¹ “Title 10 vs Title 32 Orders – What is the Difference?” *Uniform Code of Military Justice*. <<https://ucmj.us/title-10-vs-title-32-orders-what-is-the-difference/>> [as of June 23, 2026].

² *Governor Bob Ferguson signs bill restricting armed forces from entering Washington* (Apr. 21, 2025) Office of Washington Governor Bob Ferguson <<https://governor.wa.gov/news/2025/governor-bob-ferguson-signs-bill-restricting-armed-forces-entering-washington>>; *Blocking Unauthorized Militias from Entering WA* (Mar. 10, 2025) Office of Wash. Rep. Sharlett Mena (D-Tacoma) <<https://housedemocrats.wa.gov/mena/2025/03/10/blocking-unauthorized-militias-from-entering-wa-passes-house/>> [as of June 23, 2026].

Recent amendments taken by the author would include language stating that 1) military compacts entered into between one or more states prior to January 1, 2027, and 2) an educational course or training exercise involving military personnel of another state, territory, or district taking place in California would not apply to the limits prescribed in SB 1354. These amendments help clarify how situations like training, education, and interstate assistance deployments would be handled should this bill become law.

- 4) **Background:** SB 1354 is similar to recent laws enacted in other states that require governors to approve the entry of outside military forces for military duty. The author's stated intent of this bill is to prohibit military personnel from other states or territories, when not federalized under Title 10, from entering California for military or law enforcement purposes without explicit approval from the Governor.

While this bill prohibits out-of-state military personnel from performing "military duty" or "law enforcement functions," it does not define these terms. There are definitions elsewhere in code and statute, however, that could provide guidance. In one area of the code, California law defines "active military duty" as "full-time military duty status in the active uniformed service of the United States, including members of the National Guard and the State Reserve on active duty orders pursuant to [specified laws]." (Educ. Code, § 48300, subd. (a).) "Military service" is also defined in California statute "as to a member of the militia, full-time active state service or full-time active federal service. As to a person who is not a member of the militia, 'military service' means full-time active duty for a period in excess of seven days in any 14-day period." (Mil. & Vets Code, § 400, subd. (c).)

No definition of "law enforcement function(s)" appears codified in California or even federal statute.

a) California Military Department

In California, the Military Department is led by The Adjutant General (TAG), who is the top military official in the state and oversees both the California National Guard and the State Guard. (Mil. & Vets Code, § 160.) The Governor acts as the Commander in Chief of the state's militia. (Cal. Const., art. V, § 7.) According to the author, California law currently lacks a clear requirement for military forces from other states to seek permission from the Governor before entering the state for military or law enforcement duties. This topic has gained some attention recently due to ongoing debates surrounding the deployment of military personnel in domestic settings. A notable example, among others cited below, was the activation of National Guard troops under Title 10 in Los Angeles in June 2025, which led to litigation concerning federal authority, state oversight, and the appropriate role of military forces in civilian situations.³

b) National Guard Deployments

³ Office of the Governor, *Trump's illegal National Guard deployment in Los Angeles cost taxpayers \$120 million* (Sep. 4, 2025) <<https://www.gov.ca.gov/2025/09/04/trumps-illegal-national-guard-deployment-in-los-angeles-cost-taxpayers-120-million/>> [as of June 23, 2026].

The National Guard serves as a backup for the U.S. Armed Forces and can also help state governors during civil unrest, natural disasters, or health emergencies.⁴ This dual status nature of the National Guard operates in what's called "Title 32 status," which is a long-standing source of federal authority that "facilitates a range of important domestic National Guard missions." (32 U.S.C. § 502 (f).)⁵ This is one of three ways National Guard members can serve.⁶ In "State Active-Duty status," they work on missions driven by the state, following state command, and using state resources.⁷ When in Title 10 status, the Guard is on federal duty, meaning they follow federal command and are funded by the federal government.⁸ Title 32 status is something of a middle ground. They remain under state control while being able to carry out federal tasks, funded federally and receiving federal benefits.⁹ Importantly, because they are under state command in Title 32 status, they are not considered federalized and can take part in civilian law enforcement activities provided those actions are authorized under state law.¹⁰

Beyond deploying a state's national guard to support federal operations within its own territorial boundaries, the President has on many occasions invoked specific federal law authorizing him to federalize National Guard units from one state and deploy them into another, often over the explicit objections of the target state's governor.¹¹ Since his return to office in 2025, President Trump has taken extraordinary steps with Guard personnel to domestically enforce his large-scale anti-immigration agenda, including the domestic deployment of Army National Guard troops to protect federal personnel and property. President Trump cited contested sources of federal authority and ultimately deployed a total of 4,000 California National Guard troops to Los Angeles, which at times appeared less concerned with restoring order and instead geared toward fueling a cycle of confrontation and seeking support for a narrative that the city was engulfed in chaos.¹² After another legal dispute between the State of California and the Trump Administration, in December 2025, the federal government ultimately withdrew its legal effort to block a lower court order permanently ending the federalization of the California National Guard.¹³

In September 2025, the President deployed 400 federalized members of the Texas and California National Guards to protect a federal building in Oregon, a move that was immediately challenged in federal court by both Oregon and California. Within days of the President deploying National Guard troops to Oregon, the United States District Court for the

⁴ *What Does the U.S. National Guard Do?* (Jan. 29, 2026) Council on Foreign Relations <<https://www.cfr.org/backgrounders/what-does-us-national-guard-do>> [as of June 23, 2026].

⁵ Nunn, *The President's Power to Call Out the National Guard Is Not a Blank Check* (Nov. 18, 2024) Brennan Center for Justice <<https://www.brennancenter.org/our-work/analysis-opinion/presidents-power-call-out-national-guard-not-blank-check>> [as of June 23, 2026].

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ See *ibid.*

¹² Pager, *Trump Jumps at the Chance for a Confrontation in California Over Immigration* (June 8, 2025) N.Y. Times <<https://www.nytimes.com/2025/06/08/us/politics/trump-california-immigration.html>> [as of June 23, 2026].

¹³ *Attorney General Bonta Marks Major Litigation Victory as Trump Administration Backs Away from Its Efforts to Federalize and Deploy California National Guard* (Dec. 31, 2025) Office of Attorney General Rob Bonta. <<https://oag.ca.gov/news/press-releases/attorney-general-bonta-marks-major-litigation-victory-trump-administration-backs>> [as of June 23, 2026].

District of Oregon issued an order enjoining the President from deploying any National Guard forces, whether from California, Texas, or any other state or the District of Columbia, into Oregon. (*State of Oregon et al v. Trump et al* (Oct. 5, 2025) Case No: 3:25-cv-1756-IM.)

The U.S. Supreme Court recently heard the Executive Branch’s application for a stay but denied overturning part of the lower courts’ holding that granted a temporary restraining order (TRO) in favor of the State of Illinois that prevented the President from federalizing National Guard troops. (*Trump v. Illinois* (2025) 146 S.Ct. 432; see also *Illinois v. Trump* (7th Cir. 2025) 155 F.4th 929, *State v. Trump* (N.D. Ill. Oct. 10, 2025) 2025 U.S. Dist. LEXIS 201113.) In its opinion denying the federal government’s application for a stay, the Court addressed the meaning of the term “regular forces” as it is used in section 12406(3) of Title 10 of the United States Code. (*Trump v. Illinois* (2025) 146 S.Ct. 432.) This is the portion of federal law the President invoked in both the Oregon and Illinois cases and which allows the President to federalize the National Guard when they are “unable with the regular forces to execute the laws of the United States.” (*Ibid*; see also 10 U.S.C. § 12406(3).) In a 6-3 decision, the Court wrote:

The term “regular forces” in §12406(3) likely refers to the regular forces of the United States military. This interpretation means that to call the Guard into active federal service under §12406(3), the President must be “unable” with the regular military “to execute the laws of the United States.” Because the statute requires an assessment of the military’s ability to execute the laws, it likely applies only where the military could legally execute the laws. Such circumstances are exceptional: Under the Posse Comitatus Act, the military is prohibited from “execut[ing] the laws” “except in cases and under circumstances expressly authorized by the Constitution or Act of Congress.” 18 U. S. C. § 1385. So before the President can federalize the Guard under §12406(3), he likely must have statutory or constitutional authority to execute the laws with the regular military and must be “unable” with those forces to perform that function. (*Trump v. Illinois* (2025) 146 S.Ct. 432.)

Importantly, the Court did not fully decide these issues on the merits but rather declined to grant the President’s request to enjoin the TRO issued by the lower court. SB 1354 would clarify some arguably ambiguous areas of law, but conflicts almost certainly will continue over the bounds of executive authority under federal and state law.

- 5) **Argument in Support:** According to the *California Public Defenders Association*, “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.”

- 6) **Argument in Opposition:** None submitted.
- 7) **Related Legislation:** None.
- 8) **Prior Legislation:**
 - c) SB 1097 (Laird), Chapter 129, Statutes of 2024, exempted officers or enlisted persons of the State Guard from any posse comitatus or jury duty service while on active military orders.
 - d) SB 193 (Committee on Veterans Affairs), Chapter 533, Statutes of 2015, deleted outdated references to executive orders and statutes creating the Manual for Courts-Martial and the UCMJ, updated specified references, and provided that the provisions apply except as otherwise provided in the California Manual for Courts-Martial or other regulations adopted by the Governor or the Adjutant General.
 - e) SB 807 (Correa), Chapter 355, Statutes of 2012, specified that the state active duty force consists of service members in active state service when ordered by the Governor; and revised conditions for state active duty for service members, as provided, and authorized the Adjutant General to promulgate regulations in conformity with these provisions.
 - f) AB 2579 (S. Runner), Chapter 358, Statutes of 2006, updated California military law in the area of punishments available for state courts-martial to make them more consistent with comparable provisions in federal military law.
 - g) SB 1025 (Craven), Chapter 90, Statutes of 1989, adopted the federal UCMJ and Manual for Courts-Martial for the State of California’s application to its active militia, including the California National Guard.

REGISTERED SUPPORT / OPPOSITION:

Support

California Public Defenders Association

Opposition

None submitted.

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