

SENATE THIRD READING

SB 1354 (Archuleta)

As Amended June 24, 2026

Majority vote

SUMMARY

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. Exempts personnel acting under federal Title 10 authority, allows the Governor to delegate approval authority to The Adjutant General (TAG), and makes a violation punishable by a fine of up to \$10,000, imprisonment, or both. Excludes from this prohibition, military personnel called into active federal service under Title 10 of the U.S. Code, a military compact, as specified, and an educational course or training exercise taking place in California.

COMMENTS

- 1) *California Military Department.* In California, the Military Department is led by TAG, who is the top military official in the state and oversees both the California National Guard and the State Guard. The Governor acts as the Commander in Chief of the state's militia. 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 more visibility recently due to ongoing debates surrounding the deployment of military personnel in domestic settings. A notable example is the activation of National Guard troops under Title 10 in Los Angeles in June 2025, which has led to litigation concerning federal authority, state oversight, and the appropriate role of military forces in civilian situations. Various states, including Maryland, Texas, Kansas, Oklahoma, Idaho, North Dakota, and Washington, have passed similar legislation, and Oregon has also introduced related bills.
- 2) *Emergency Management Assistance Compact (EMAC).* Federal law supports cooperation between states during emergencies through EMAC. When a governor declares an emergency, they can quickly ask for help from other participating states. EMAC, approved by Congress in 1996, allows for assistance with different types of crises, from natural disasters to terrorism. When a state's resources run low, other states, including National Guard units, can provide the necessary support. In times of national emergencies, EMAC helps governors find and use the resources they need to respond effectively. EMAC strictly operates on the principle of mutual aid, requiring a formal request for assistance and consent from the host state's governor to activate. California plays a vital role in the national network that includes all 50 states and territories such as Guam, Puerto Rico, and the U.S. Virgin Islands. To access state funds and activate EMAC, the Governor of California must officially declare an emergency or disaster. The coordination of EMAC for the state is managed by the California Governor's Office of Emergency Services. EMAC establishes a solid, legally binding agreement that addresses cross-border liability, ensures that credentials and certifications are recognized, and leverages federal grant dollars.
- 3) *National Guard Deployment.* 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 and allows the National Guard to operate in what's called "Title 32 status." This is one of three ways Guard members can serve. In "State Active-Duty status," they work on missions defined by the state, following state command, and using state resources. When in "Title 10 status," the Guard is on federal duty, meaning they follow federal command and are funded by the federal government. Title 32 status is a middle ground; the Guard stays under state control while being able to carry out federal tasks, funded federally and receiving federal benefits. 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. However, in the summer of 2020, the Trump Administration used this authority in a new way by bringing in unfederalized, out-of-state Guard troops into Washington, D.C. to respond to protests, against the public objections of D.C.'s Mayor.

Domestic deployment of the military should be a last resort. American law generally discourages military involvement with civilians unless there's an emergency. Using the military domestically can also create problems for the troops. While sometimes necessary, these operations pull resources and focus away from the military's main job of ensuring national security. Many service members are against military involvement in law enforcement, as they joined the armed forces to serve and protect, not to police their communities. This sentiment is important, especially during a time when the military faces challenges in recruitment and retention. The National Guard is a professional force and faces these challenges. Although it still plays its traditional role in supporting local communities during crises, it has become more involved with the overall U.S. military in the last 30 years. Guard personnel are more likely to be trained in law enforcement than their active-duty counterparts, but many Guard units are frontline combat units trained and equipped to fight overseas, with comparatively little experience or training in responding to civil unrest.

- 4) *Subsequent National Guard Deployments.* 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. For instance, in September 2025, President Trump 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, a judge of the United States District Court for the District of Oregon issued a sweeping order barring the President, from deploying any National Guard forces – whether from California, Texas, or any other state or the District of Columbia – into Oregon. The day this order was issued, the Secretary of Defense invoked the same federal authority used in Oregon to federalize 300 members of the Illinois National Guard over the objection of that state's governor, as well as another 400 Texas National Guard soldiers for the purpose of deploying these troops into Chicago in support of Immigration and Customs Enforcement (ICE) operations. Once again, a federal court enjoined the deployment, ruling that the President improperly invoked his authority to press the National Guard into federal services under certain conditions.

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 bill 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.

This bill would prohibit military personnel from another state, territory, or district from entering California to perform military duty or law enforcement functions unless they have permission from the Governor, or from TAG if the Governor delegates that authority. This bill would not apply to personnel serving in federal active-duty status under Title 10 of the U.S. Code.

Arguments in Support

According to the California Public Defenders Association, this bill 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 permission of the Governor. Public defenders 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. This bill 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.

This 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 bill helps prevent the misuse of military power in civilian contexts by ICE, especially against communities that already experience disproportionate policing and surveillance. By establishing meaningful penalties for violations, this bill 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 not intimidation.

Arguments in Opposition

None on file.

FISCAL COMMENTS

None.

VOTES

SENATE FLOOR: 30-9-1

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Choi, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares
ABS, ABST OR NV: Dahle

ASM MILITARY AND VETERANS AFFAIRS: 6-0-2

YES: Schiavo, Ramos, Carrillo, Irwin, Boerner, Valencia

ABS, ABST OR NV: Jeff Gonzalez, Davies

ASM PUBLIC SAFETY: 9-0-0

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

UPDATED

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