

Date of Hearing: June 24, 2025

ASSEMBLY COMMITTEE ON JUDICIARY

Ash Kalra, Chair

SB 580 (Durazo) – As Amended June 16, 2025

**SENATE VOTE:** 28-10

**SUBJECT:** ATTORNEY GENERAL: IMMIGRATION ENFORCEMENT POLICIES

**KEY ISSUE:** SHOULD THE ATTORNEY GENERAL BE REQUIRED TO DEVELOP MODEL POLICIES FOR STATE AND LOCAL AGENCIES TO IMPLEMENT RELATED TO INTERACTIONS WITH IMMIGRATION AUTHORITIES AND LIMITING ASSISTANCE WITH IMMIGRATION ENFORCEMENT CONSISTENT WITH FEDERAL AND STATE LAW?

**SYNOPSIS**

*California is home to nearly a quarter of the country's immigrant population, totaling approximately 10.6 million people across the state. Since the presidential inauguration in January of this year, the Trump administration has focused on enacting sweeping new immigration policies. The threat of these policies has been felt across the immigrant community, regardless of whether they are undocumented, legal permanent residents, naturalized citizens, or hold any other form of immigration status. Over the course of the past decade, the Legislature has taken steps to promote the safety and security of California's immigrant population. One such step, now codified in existing law requires the Attorney General to develop model policies for certain public institutions, such as state court houses and schools, to adopt and implement relating to potential interactions with immigration enforcement. This bill would expand upon those efforts and require the Attorney General to develop and publish model policies for state and local agencies to adopt relating to their potential interactions with immigration enforcement.*

*This bill is sponsored by the California Service Employees International Union (SEIU). It is supported by the California Faculty Association (CFA), the California Federation of Labor Unions, Bend the Arc: Jewish Action, the California Student Aid Commission, Oakland Privacy, and UnidosUS.*

**SUMMARY:** Requires the Attorney General (AG) to develop and publish model policies for state and local agencies relating to interactions with immigration enforcement and requires state and local agencies to implement the model policies. Specifically, **this bill:**

- 1) Requires the Attorney General in consultation with appropriate stakeholders, on or before July 1, 2026, to publish model policies for state and local agencies relating to interaction with immigration authorities and limiting assistance with immigration enforcement consistent with federal and state law.
- 2) Requires state or local agencies, on or before January 1, 2027, to implement the model policy or an equivalent policy.
- 3) Requires the Attorney General in consultation with appropriate stakeholders, on or before July 1, 2026, to publish guidance, audit criteria, and training recommendations for databases

operated by a state or local agency, including databases maintained for the agency by private vendors, aimed at ensuring that the databases are governed in a manner that makes the availability of information therein to anyone or any entity for the purposes of immigration enforcement limited to the fullest extent practicable, consistent with federal and state law.

- 4) Requires state or local agencies, on or before January 1, 2027, to adopt necessary changes to their database governance policies consistent with the guidance developed pursuant to 3).
- 5) Exempts a rule, policy, or standard of general application issued by the Attorney General pursuant to 1) or 3) from the requirements of the Administrative Procedure Act.
- 6) Makes the following findings and declarations on behalf of the Legislature:
  - a) Immigrants are valuable and essential members of the California community and indiscriminate immigration enforcement against persons who do not pose a public safety risk to Californians has a significant negative impact on state and local functions. Increased immigration enforcement activity in California, including in the workplace and schools, has been detrimental to the health and welfare of California's residents;
  - b) The California Constitution confers an inalienable right to privacy for all Californians. This right to privacy protects the personal, private information of individuals;
  - c) A relationship of trust between California's immigrant community and state and local agencies is central to the functioning of the state's government and the public safety, health, welfare, and constitutional rights of the people of California;
  - d) Protecting the state's limited public resources from being used for federal immigration enforcement actions is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act adding Section 12532.5 to the Government Code applies to all cities, including charter cities.
- 7) Includes a severability clause.

#### **EXISTING LAW:**

- 1) Prohibits law enforcement agencies from using agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, place peace officers under the supervision of federal agencies, use immigration authorities as interpreters for law enforcement matters, transfer an individual to immigration authorities unless authorized by a judicial warrant, and provide office space exclusively dedicated to immigration authorities, and from contracting with the federal government for the use of law enforcement agency facilities to house individuals as federal detainees for the purposes of civil immigration custody, as specified. (Government Code Section 7284.6. All further statutory references are to the Government Code unless otherwise noted.)
- 2) Requires the Attorney General, by April 1, 2018, and in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at public schools, public libraries, health facilities operated by the state or a political

subdivision thereof, courthouses, Division of Labor Standards Enforcement facilities, the Agricultural Labor Relations Board, the Division of Workers Compensation, and shelters, to the fullest extent possible consistent with federal and state law, and ensure that public schools remain safe and accessible to all California residents, regardless of immigration status.

- a) Requires all public schools, health facilities operated by the state or a political division thereof, and courthouses to implement the Attorney General's model policy, or an equivalent.
  - b) Encourages the Agricultural Relations Board, the Division of Workers' Compensation, the Division of Labor Standards Enforcement, shelters, libraries, and all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, to adopt the model policy. (Section 7284.8.)
- 3) Requires the Attorney General to, by October 1, 2018, and in consultation with appropriate stakeholders, publish guidance, audit criteria, and training recommendations aimed at ensuring that any databases operated by state and local law enforcement agencies, including databases maintained for the agency by private vendors, are governed in a manner that limits the availability of information therein to anyone or any entity for the purpose of immigration enforcement, to the fullest extent practicable and consistent with federal and state law. (Section 7284.8 (b).)
- 4) Requires the Department of Corrections and Rehabilitation to, in advance of any interview between the United States Immigration and Customs Enforcement and an individual in the department's custody, provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that they may decline to be interviewed or may choose to be interviewed only with their attorney present. Requires the form be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean. (Section 7284.10.)
- 5) Prohibits an employer from providing voluntary consent to an immigration enforcement agent to access, review, or obtain the employer's employee records without a subpoena or judicial warrant, except for access to I-9 employment eligibility verification forms or other documents for which a Notice of Inspection has been provided to the employer. Provides a civil penalty, enforceable by the Labor Commissioner or the Attorney General, for a violation of this prohibition. (Section 7285.2.)

**FISCAL EFFECT:** As currently in print this bill is keyed fiscal.

**COMMENTS:** California is home to nearly a quarter of the country's immigrant population, totaling approximately 10.6 million people across the state. This population consists of individuals from dozens of countries, with the most common countries of origin being Mexico, the Philippines, and China. As of the most recent data, 83% of California's immigrant population are naturalized citizens or have some form of legal residency status. The remaining 17% are undocumented. (Public Policy Institute of California, *Immigrants in California* available at: <https://www.ppic.org/publication/immigrants-in-california/>.)

Briefly, immigrants to the United States can have a range of immigration statuses. Individuals who enter the United States with prior authorization often come with either an immigrant visa (issued to individuals with intent to stay in the United States usually through an application filed by a family member or sponsored by an employer), or a non-immigrant visa (issued to individuals for temporary visits, such as a tourist, work, or student visa). Someone who enters with a valid visa but stays beyond the date authorized then loses lawful immigration status, and is considered undocumented. Someone who enters the country without prior authorization may also be considered undocumented. Many immigrants, whether undocumented or otherwise, may also obtain legal permanent residency, often referred to as a green card or LPR. From that point, an individual can choose to apply for citizenship, a process referred to as naturalization.

According to the author:

Immigrant men, women and children are undergoing threats of family separation through deportation. The federal government has initiated aggressive and violent tactics that are terrorizing our neighborhoods. It is extremely crucial that state and local agencies receive information on the most appropriate ways to respond during civil immigration enforcement scenarios. This bill will best equip our state and local agencies with the proper guidance from California's Attorney General. By having these model policy guidance, our communities and employees will be better protected. Our community members deserve to attend schools, healthcare facilities, and places of worship peacefully. All community members deserve the right to access services and continue living without fear.

*Changes in federal immigration policy.* Since the presidential inauguration in January of this year, the Trump administration has focused on enacting sweeping new immigration policies. Despite campaign promises to focus on immigrants in the country with criminal histories, the administration has set a lofty goal of at least 1 million deportations per year. In order to achieve this goal, the administration, through admittedly inconsistent messaging, has targeted worksites in industries that survive on an outsized reliance on immigrant workforces, including the agricultural and hospitality industries. (Pager, Aleaziz, Jordan, and Lindner (New York Times) June 17, 2025, *Trump's Conflicting Messages on Workplace Raids Leave Businesses Reeling* available at: <https://www.nytimes.com/2025/06/17/us/politics/trump-conflicting-messages-workplace-raids.html>.)

Moreover, the administration has demonstrated a willingness to target immigrants regardless of their immigration status. In March of this year, Immigration and Customs Enforcement (ICE) detained Mahmoud Khalil, a permanent resident and graduate student at Columbia University who led pro-Palestinian demonstrations at the university in 2024. (Offenhartz (AP News) March 9, 2025, *Immigration agents arrest Palestinian activist who helped lead Columbia University protests* available at: <https://apnews.com/article/columbia-university-mahmoud-khalil-ice-15014bcb921f21a9f704d5acdcae7a8>.) Despite a court order to release Khalil, the administration has continued to hold him in ICE detention. In Florida, U.S. Citizen Juan Carlos Lopez Gomez was arrested by the Florida Highway Patrol under a new law making it a misdemeanor for someone who entered the United States without authorization to enter the state of Florida. Mr. Lopez Gomez is a citizen and was only released from custody after his mother showed the judge his state ID card, birth certificate, and Social Security card. (Salomon (AP News via PBS News) April 19, 2025, *A U.S. citizen was held for pickup by ICE despite proof he was born in the country* available at: <https://www.pbs.org/newshour/politics/a-u-s-citizen-was-held-for-pickup-by-ice-despite-proof-he-was-born-in-the-country>.) These detentions serve as

examples of the administration's expansive efforts to deport as many immigrants as possible, seemingly with little regard to their immigration status or individual circumstances. In fact, these efforts are *so* intensive that they have even detained U.S. citizens that may have been perceived to be immigrants.

The threat of detention and deportation has severely impacted immigrant communities' ability to access daily life, regardless of their immigration status. According to one report, attendance at the Salinas City Elementary School District decreased by four percent compared to August of last year. In a district with fewer than 10,000 students, a seemingly minor drop like that reflects a total of more than 700 students who were losing time in classrooms with teachers and their peers in one school district alone. (Carolyn Jones, *'Afraid to go to school': Immigrant families in the Salinas Valley are gripped by fear*, CalMatters (Feb. 20, 2025) available at: <https://calmatters.org/education/k-12-education/2025/02/deportation/>.)

For at least the last decade, the California Legislature has taken steps to limit the state's collaboration with immigration enforcement activity, most notably through passage of SB 54 (De Leon, Chap. 495, Stats. 2017) which limited the use of state and local resources for the purposes of immigration enforcement. The Trump administration challenged SB 54 in court arguing it was preempted by federal law, but in 2019 the Ninth Circuit ruled against the administration. The court argued that because federal immigration law is silent on the role of state or local governments in immigration enforcement, and SB 54 was focused on *state and local* agencies, the law was not preempted. In particular they stated "SB 54 does not directly conflict with any obligations that the INA or other federal statutes impose on state or local governments, because federal law does not actually mandate any state action[.]" (*United States v. California* (2019) 921 F.3d 865, 887.) The administration appealed the Ninth Circuit ruling, but the Supreme Court denied the request, leaving the decision untouched.

In addition to imposing restrictions on the use of state and local resources for the purposes of immigration enforcement, SB 54 also established Government Code Section 7284.8, which directs the AG to develop model policies for various public institutions to limit their assistance with immigration enforcement. As of this date, the AG provides these model policies for public institutions including superior courts, healthcare facilities, schools and colleges, the Division of Labor Standards Enforcement, the Agricultural Labor Relations Board, the Division of Workers Compensation, public libraries, and shelters. The AG also provides guidance for law enforcement, prosecutors, public defenders, employers, and employees.

***This bill*** would require the AG, on or before July 1, 2026, to develop model policies for state and local agencies regarding interactions with and limiting assistance to immigration enforcement. Additionally, the bill would require the AG, by the same date, to publish guidance, audit criteria, and training recommendations for databases operated by state or local agencies to ensure the data within those databases is as limited for the purposes of immigration enforcement as possible. The bill requires both to be implemented by state and local agencies by January 1, 2027.

Both sets of policies would identify how agencies could limit their assistance with immigration enforcement *consistent with federal and state law*. This language effectively precludes any potential federal preemption, as the guidelines would, by the text of the bill requiring their development, provide directives that comply with federal law.

The umbrella of "state and local agencies" includes offices such as the Department of Motor Vehicles (DMV) and their field offices, the Department of Social Services and their county

offices and licensed child care centers, the Department of Transportation, and countless others. Many of these agencies are likely to interact with immigrants, undocumented and documented alike, on a daily basis. Additionally, each of these agencies gathers and stores data related to the administration of various programs, which may include individuals' nationality, race, ethnicity, country of origin, or even immigration status. This measure seems appropriately tailored to ensure that agency employees stay safe and remain able to administer their programs while simultaneously enacting the greatest level of protection for all of California's immigrant population possible without running afoul of federal law.

**ARGUMENTS IN SUPPORT:** This bill is sponsored by the California Service Employees International Union (SEIU). It is supported by the California Faculty Association (CFA), the California Federation of Labor Unions, Bend the Arc: Jewish Action, the California Student Aid Commission, Oakland Privacy, and UnidosUS. In support of the bill, SEIU California submits:

SEIU California is the largest public sector union in California, representing state workers, court workers, public college professors and students, publicly funded child care providers, public hospital staff, library staff, county social workers, public defenders and countless other municipal worker classifications throughout the state. These workers have chosen careers and were hired to work in these capacities and most have specific job descriptions and responsibilities, none of which include participating with federal immigration enforcement agencies. The labor of public sector workers should be respected with clear state policies that direct if, how and when to use their time on the job in support of a federal immigration action and limit those occasions to only those they are legally required to do so under federal law.

What's more, the California public should be assured that public sector workers are using the best available and most legally sound instructions for how to safeguard their information from anyone that does not have authority to access it, which may, at times, include the Federal government.

SB 580 achieves these objectives by building on California's sanctuary state laws which codify our state's ability to protect itself from the commandeering of our state's resources for purposes other than what they were appropriated for.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California State Council of Service Employees International Union (SEIU California) (sponsor)  
 Bend the Arc: Jewish Action  
 California Faculty Association  
 California Federation of Labor Unions, AFL-CIO  
 California Student Aid Commission  
 Oakland Privacy  
 UnidosUS

### **Opposition**

None on file

**Analysis Prepared by:** Manuela Boucher-de la Cadena / JUD. / (916) 319-2334