

SENATE THIRD READING
SB 580 (Durazo)
As Amended September 2, 2025
Majority vote

SUMMARY

Requires the Attorney General (AG) to develop and publish model policies for state and local agencies relating to interactions with immigration enforcement.

Major Provisions

- 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. Requires state or local agencies, on or before January 1, 2027, to implement the model policy or an equivalent policy.
- 2) 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.

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/>.)

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>.)

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, Chapter 495, Statutes of 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 requires 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 requires 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 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.

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.

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.

Arguments in Opposition

This bill is opposed by the California Police Chiefs Association and the California State Sheriffs' Association. They submit:

California's front-line law enforcement officers do not currently engage in, and have no intention of engaging in, immigration enforcement in the field. California's peace officers have always been and will remain the guardians of our entire communities. We protect and serve all those who live, work, and visit our jurisdictions, regardless of their immigration status.

Further, though flawed, existing state law on communication and cooperation with federal authorities on immigration matters is generally clear. Local law enforcement agencies are perfectly capable of interpreting and implementing existing law. Requiring the AG to

establish model policies and guidelines is a waste of time and resources. Additionally, the Senate Appropriations Committee points to billions of dollars in potential costs attributable to the policy and audit provisions of the bill.

Because SB 580 represents an unnecessary expenditure of state and local resources at a time when all levels of government are struggling financially, CPCA and CSSA must oppose it.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Costs (General Fund) to the Department of Justice (DOJ) to develop database guidance, issue informational bulletins, respond to questions from agencies and Public Records Act requests, and, if needed, conduct audits. DOJ reports it will need \$408,000 in fiscal year (FY) 2025-26 and \$726,000 in FY 2026-27 and ongoing for four additional full-time positions in its California Justice Information Services division to conduct this work. DOJ reports absorbable costs to its Civil Rights Enforcement Division to draft the model policies regarding agency interactions with immigration authorities.
- 2) Costs (General Fund, special funds, local funds) to state and local agencies of an unknown amount to adopt model policies relating to interaction with immigration authorities. These costs may not be significant for individual agencies, but in the aggregate statewide may reach the hundreds of thousands of dollars or higher. The state must reimburse costs incurred by local entities from the General Fund if the Commission on State Mandates determines the duties imposed by this bill constitute a reimbursable state mandate.

VOTES

SENATE FLOOR: 28-10-2

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

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

ABS, ABST OR NV: Hurtado, Reyes

ASM JUDICIARY: 9-3-0

YES: Kalra, Garcia, Bryan, Connolly, Harabedian, Pacheco, Papan, Lee, Zbur

NO: Dixon, Tangipa, Sanchez

ASM APPROPRIATIONS: 11-4-0

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache

NO: Sanchez, Dixon, Ta, Tangipa

UPDATED

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FN: 0001329