

SENATE THIRD READING

SB 841 (Rubio)

As Amended June 19, 2025

Majority vote

SUMMARY

Imposes restrictions on various establishments that provide sensitive services related to their interactions with immigration enforcement.

Major Provisions

- 1) Prohibits an employee of a homeless shelter, rape crisis center, or domestic violence shelter from, to the extent possible, allowing access to the nonpublic areas of the site of the relevant site for immigration enforcement activity without a valid judicial warrant or court order, except as required by state or federal law, or as required to administer a state or federally supported homeless shelter, rape crisis center, or domestic violence shelter.
 - a) Requires the director of the homeless shelter, rape crisis center, or domestic violence center, or their designee, to grant access if provided all of the following:
 - i) A valid identification;
 - ii) A written statement of purpose;
 - iii) A valid judicial warrant.
- 2) Defines "immigration enforcement" as including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States.

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 were naturalized citizens, or had some form of legal residency status. Approximately the remaining 17% are undocumented. (Public Policy Institute of California, *Immigrants in California* available at: <https://www.ppic.org/publication/immigrants-in-california/>.)

The "sensitive locations" memo. Since at least 2007, Immigrations and Customs Enforcement (ICE) had identified a number of "sensitive locations", including where immigration enforcement actions were limited. These "sensitive locations" or "protected areas" included "medical or mental healthcare facility, such as a hospital, doctor's office, health clinic, vaccination or testing site, urgent care center, site that serves pregnant individuals, or community health center," a "social services establishment, such as a crisis center, domestic violence shelter, victims services center, child advocacy center, supervised visitation center, family justice center, community-based organization, facility that serves disabled persons, homeless shelter, drug or alcohol

counseling and treatment facility, or foodbank or pantry or other establishment distributing food or other essentials of life to people in need." In justifying the directive, the memo stated the "need to consider the fact that an enforcement action taken near – and not necessarily in—the protected area can have the same restraining impact on an individual's access to the protected area itself. [...] The fundamental question is whether our enforcement action would restrain people from accessing the protected area to receive essential services or engage in essential activities." (United States (U.S.) Department of Homeland Security, *Guidelines for Enforcement Actions in or Near Protected Areas*, October 27, 2021 available at: <https://www.dhs.gov/sites/default/files/2022-06/ICE%20-%20Immigration%20Enforcement%20at%20Sensitive%20Locations.pdf>.)

On January 21, 2025, Acting Department of Homeland Security (DHS) Secretary Benjamine Huffman rescinded the Biden directive stating that it "thwart[ed] law enforcement in or near so-called 'sensitive' areas." (U.S. Department of Homeland Security, *Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole*, January 21, 2025 available at: <https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse>.) On January 31, 2025, DHS issued a new directive stating they were "not issuing rules regarding where immigration laws are permitted to be enforced. Instead [...] the ICE Director charges Assistant Field Office Directors and Assistant Special Agents in Charge with responsibility for making case-by-case determinations regarding whether, where and when to conduct an immigration enforcement action in or near a protected area." (U.S. Department of Homeland Security, *ICE Directive Common Sense Enforcement Actions in or Near Protected Areas*, January 31, 2025 available at: <https://www.ice.gov/about-ice/ero/protected-areas>.) In March, the Department issued yet another directive, reverting back to the 2021 policy only in relation to places of worship. (U.S. Department of Homeland Security, *Enforcement Actions in or Near Places of Worship – Injunction*, March 2025 available at: <https://www.ice.gov/about-ice/ero/protected-areas>.) In sum, the last year has seen administrative whiplash on the issue of immigration enforcement actions in and around sensitive areas, including schools. The result is an understandably heightened level of anxiety and fear within immigrant communities about the threat of ICE activity and the safety of children attending school.

This bill prohibits employees of various sensitive locations, including homeless shelters, rape crisis centers, domestic violence shelters, and family justice centers, from allowing access to the nonpublic areas of their locations for the purposes of immigration enforcement activity *unless* provided a valid warrant or court order, valid identification, and written statement of purpose.

The bill appears to be intentionally crafted to avoid concerns related to preemption. In particular, the bill only applies its requirements *except as required by state or federal law* or as required to administer a state or federally supported program. To the extent federal or state law require access to one of the identified locations, the bill's requirements do not apply. Any concern that this bill may frustrate federal agents' ability to carry out the tasks entrusted to them by federal law is arguably assuaged as agents would have the ability to carry out their directives so long as they have a valid judicial warrant, and can identify themselves as an individual authorized to carry out the warrant's authority. Thus, while it is impossible for this analysis to predict how a court may rule in the event of a legal challenge, it is reasonable to believe that this measure could survive constitutional scrutiny.

According to the Author

Domestic violence shelters and other similar locations are meant to be places of healing and recovery for vulnerable individuals who have been attacked. But if fear keeps someone from walking through the door of these safe spaces that provide critical services, we as a society have failed them. It is clear that in the absence of compassionate federal policy, the state must take action to ensure domestic violence shelters and similar locations are seen as safe spaces for the vulnerable people who need their services.

Immigrant survivors of domestic violence already face many barriers to accessing support. Their immigration status and the threat of deportation can be used as a tool of coercive control by perpetrators of domestic violence and sexual assault, through threats of reporting survivors' immigration statuses to ICE. This fear of ICE can have a significant effect in reducing the willingness of survivors to seek help.

SB 841 protects victims by requiring federal immigration agents show identification, provide a written statement of purpose, and present a judicial warrant before they can enter domestic violence shelters and other facilities protected under the bill. Fear keeps people trapped – and abusers know this. We cannot let the government become part of that abuse by further traumatizing victims.

Arguments in Support

This bill is sponsored by the California Partnership to End Domestic Violence, the Coalition to End Slavery and Trafficking, Valor US, the California Family Justice Center Network, and the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA). It is further supported by a significant number of immigrants' rights advocacy organizations, civil rights advocates, legal services providers, and domestic violence service providers, survivors' advocates, and private individuals. In support of the bill CHIRLA submits:

SB 841 will protect domestic violence shelters and other safe spaces that help vulnerable individuals heal and recover from abuse so that the people who need to access these locations do not need to fear the trauma of unwarranted immigration enforcement.

[...]

It is clear that in the absence of compassionate federal policy, the state must take action to ensure domestic violence shelters and similar locations are seen as safe spaces for the vulnerable people who need their services. SB 841 will insulate domestic violence shelters, homeless shelters, rape crisis centers, and human trafficking shelters from unwarranted immigration enforcement by requiring employees at these locations to refuse access to the nonpublic areas of these locations for "immigration enforcement activity," as defined, unless valid identification, a written statement of purpose, and a valid judicial warrant or court order is presented.

By making these changes to state law, SB 841 will help victims of domestic violence and other abuse know that there is a safe space where they can be protected from their abusers.

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Appropriations Committee, no state costs.

VOTES**SENATE FLOOR: 31-0-9**

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

ABS, ABST OR NV: Choi, Dahle, Grove, Jones, Niello, Reyes, Seyarto, Strickland, Valladares

ASM JUDICIARY: 9-0-3

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

ABS, ABST OR NV: Dixon, Tangipa, Sanchez

ASM PUBLIC SAFETY: 7-0-2

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

ABS, ABST OR NV: Lackey, Ramos

ASM APPROPRIATIONS: 12-0-3

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Jeff Gonzalez, Solache

ABS, ABST OR NV: Dixon, Ta, Tangipa

UPDATED

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CONSULTANT: Manuela Boucher / JUD. / (916) 319-2334

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