

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 873 (Reyes) – As Amended June 15, 2026

Policy Committee: Judiciary

Vote: 9 - 3

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill expands existing protections against civil arrest at courthouses.

Specifically, this bill:

- 1) Prohibits a person from being subject to civil arrest while traveling to, while present at, or while traveling from a courthouse for any lawful activity, and establishes a presumption that persons present at a courthouse are traveling to, engaging in, or traveling from lawful activity, but does not apply the prohibition to arrests made pursuant to a valid judicial warrant.
- 2) Defines “courthouse” to include court facilities, any sidewalk, parkway, or street surrounding the facilities, and any public way within 1,000 feet of the facilities.
- 3) Authorizes the Attorney General to bring a civil action for equitable and declaratory relief upon reasonable cause to believe a violation has occurred or is imminent.
- 4) Authorizes a person subjected to civil arrest in violation of the bill or the common law privilege to bring a civil action for equitable and declaratory relief, actual damages, statutory damages of \$10,000, and court costs and reasonable attorney’s fees in a successful action.
- 5) Requires court security personnel, when aware that a law enforcement representative acting in an official capacity enters a courthouse, to request that the representative identify themselves, state their purpose and intended enforcement action, and provide a copy of a valid judicial warrant, and, if the subject of the warrant is represented by an attorney known to court security personnel, to request that the attorney be afforded the right to review the warrant. The bill prohibits any action under the bill’s provisions against a court, judicial officer, or court employee acting lawfully pursuant to their duty to maintain safety and order in the courts.
- 6) Requires the Judicial Council to annually prepare and publicly post a report compiling statistics, aggregated by county, of civil arrest information reported to the Judicial Council pursuant to Rule 10.440 of the California Rules of Court.

FISCAL EFFECT:

- 1) Costs of an unknown, but potentially significant amount to the Department of Justice (General Fund). The Civil Rights Enforcement Section anticipates workload costs to advise

court administrators and the public on compliance and to litigate violations, and the Police Practices Section anticipates workload costs to investigate allegations that state and local law enforcement entities have violated the bill's provisions. DOJ indicates the number of additional deputy attorneys general and support staff needed cannot be determined, in part because the range of circumstances the bill prohibits as civil arrests in or near a courthouse is not yet clear.

- 2) Minor and absorbable workload to the Judicial Council (Trial Court Trust Fund) to annually prepare and publish the required report on civil arrests, as the report aligns with existing reporting requirements under Rule 10.440 of the California Rules of Court. The courts expect workload impacts of an unknown, but likely minor, amount on court security personnel to inquire into the identity and purpose of law enforcement officers and to request judicial warrants as required by this bill. Individual courts may also incur absorbable costs to update memorandums of understanding with their local sheriff's office, which generally provides court security.

COMMENTS:

- 1) **Purpose.** According to the author:

SB 873 will protect the legal process for all in California by preventing indiscriminate arrests by ICE agents at scheduled court appearances. This bill will provide legal assurances that Californians are safe from immigration agents in and around the grounds of a courthouse.

- 2) **Background.** A common law privilege against civil arrest for persons attending, traveling to, or returning from court proceedings dates to at least the 18th century and was recognized by the U.S. Supreme Court in *Stewart v. Ramsay* (1916) 242 U.S. 128. The Legislature codified the courthouse protection in AB 668 (Gonzalez), Chapter 787, Statutes of 2019, which prohibits civil arrest in a courthouse while attending a court proceeding or having legal business there. Immigration arrests are civil, not criminal, in nature, and following the January 2025 rescission of federal protected-areas guidance, reports of immigration arrests in and around California courthouses have increased. This bill extends the statutory protection to travel to and from a courthouse and to public ways within 1,000 feet of court facilities, adds enforcement mechanisms, and codifies duties for court security personnel. Opponents argue the bill unconstitutionally regulates federal officers under the Supremacy Clause and intergovernmental immunity doctrine, citing the Ninth Circuit's 2026 decision invalidating California's officer-identification law in *United States v. California* (2026) 173 F.4th 1060. The policy committee analysis distinguishes this bill on the grounds that the protection codifies a centuries-old common law privilege of federal origin and applies neutrally, and notes a federal district court upheld New York's analogous Protect Our Courts Act against a similar challenge in 2025. Should the bill be challenged, the Department of Justice would defend the statute at some cost to the General Fund.
- 3) **Support and Opposition.** This bill is supported by a coalition of civil rights organizations, legal services providers, and labor unions, as well as the Judicial Council and Los Angeles County. Supporters argue federal agents have exploited a gap in existing law by conducting arrests on courthouse steps, parking lots, and approaches, deterring defendants, victims, and witnesses from appearing in court. This bill is opposed by the California State Sheriffs'

Association, the Riverside County Sheriff's Office, and the San Bernardino County Sheriff's Department, who argue the bill is preempted, exposes counties to litigation over federal conduct they do not control, and places sheriffs' officials in conflict between state and federal law.

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