



## Overview of Federal Court Decision: SB 54, AB 103, and AB 450

On March 6, 2018, the Trump administration filed a [lawsuit](#), *US v. CA*, in the US District Court in the Eastern District of California seeking to invalidate and stop select provisions in three California state laws:

- 1) SB 54 (CA Values Act), which limits local and state law enforcement entanglement with ICE
- 2) AB 103 (Dignity, Not Detention), which provides California Attorney General oversight of conditions in immigration detention facilities
- 3) AB 450 (Immigrant Worker Protection Act), which limit employers from working with ICE

On July 5, 2018, Judge Mendez in the US District Court in the Eastern District of California issued a 60-page [decision](#) granting in part and denying in part the Trump administration's motion for a preliminary injunction. The court denied the motion against SB 54 and AB 103. The court also denied the motion for a preliminary injunction for the "employee notice" provision of AB 450, but granted the motion for three other challenged provisions in AB 450.

On July 9, 2018, Judge Mendez also issued a [decision](#) granting California's motion to dismiss the Trump administration's claims against SB 54, AB 103, and the "employee notice" provision of AB 450. Judge Mendez did not dismiss the remaining claims against AB 450.

On August 7, 2018, the Trump administration appealed the denial of the partial preliminary injunction to the Ninth Circuit. The Ninth Circuit held oral arguments on March 13, 2019 in San Francisco. On April 18, 2019, the Ninth Circuit issued a [decision](#) affirming the District Court's complete rejection of the preliminary injunction against SB 54, the core inspection provisions in AB 103, and the I-9 employee notification provision in AB 450.

On June 15, 2020, the U.S Supreme Court [declined](#) to take up the Trump administration's appeal of the Ninth Circuit decision affirming SB 54 in *U.S. v. CA* ([19-532](#)).

**As a result, all of SB 54 remains in full effect, most of AB 103 is in effect, and the I-9 employee notification provision in AB 450 is binding on all employers.**

The following is a summary of the Ninth Circuit's decision.

### **SB 54, the California Values Act or "Sanctuary" state law:**

SB 54 sets basic standards to limit local and state law enforcement from acting as deportation agents. This law ends several local deportation practices and limits other abuses. SB 54 creates a foundation that local governments can and should continue to build on by adopting stronger protections for immigrants.

The Ninth Circuit denied the Trump administration's request to suspend three provisions that are targeted in the lawsuit. Thus, all of these provisions, along with the entirety of SB 54, is valid and remains binding on local and state law enforcement and on public agencies.



- Limitations on police from notifying immigration authorities when a community member is about to be released from custody, with some exceptions.
- Limitations on police from transferring a community member to immigration authorities, with some exceptions
- Limitations on police sharing personal information with immigration authorities.

### **AB 103, Dignity, not Detention State Budget Bill:**

AB 103 challenges the indignity of detention by requiring the California Attorney General to inspect all public and private facilities in the state and prohibiting the expansion of detention facilities operated by local governments. The inspection provisions of AB 103 require the Attorney General review:

- (1) conditions of confinement;
- (2) the standard of care and due process provided to detainees at the facility; and
- (3) the circumstances surrounding apprehension and transfer of detainees to the facility.

The third area for review, circumstances surrounding apprehension and transfer of detainees to the facility, is the only part of the law which the Ninth Circuit enjoined. The rest of AB 103 remains binding.

### **AB 450, the Immigrant Worker Protection Act:**

AB 450 imposes various requirements on public and private employers in handling immigration worksite enforcement actions. The Trump administration's lawsuit challenged AB 450 with respect to private employers, but not public employers. The Ninth Circuit affirmed the District Court's decision granting the Trump administration's request to suspend these three provisions with regards to private employers.

- Requirement on employers to request a judicial warrant from immigration enforcement agents before allowing them access to private areas of the worksite.
- Requirement on employers to request a judicial warrant or subpoena before releasing private employee records.
- Prohibition on employers from re-verifying the status of any current employee unless required by federal law.

It's important to note that employers can still decide on their own to voluntarily follow these provisions in AB 450 and any such provisions in a labor agreement remain valid and binding. This decision merely means that AB 450 cannot mandate that private employers follow these above three provisions.

The Ninth Circuit rejected the Trump administration's request to suspend this provision in AB 450 so this remains in effect.

- Requirement on employers to notify their workers if the employer receives notice of an upcoming inspection of I-9 forms or other employment records as well as the results of the inspection.

*For more information, visit [www.iceoutofca.org](http://www.iceoutofca.org). If you have any questions, please contact Angela Chan at Asian Americans Advancing Justice - Asian Law Caucus at [angelac@advancingjustice-alc.org](mailto:angelac@advancingjustice-alc.org).*