



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 certain parts of three California state laws: SB 54, AB 450, and AB 103. These three laws are pro-immigrant state laws that limit the ways that local law enforcement and employers work with federal immigration authorities in addition to improving oversight of the conditions in detention facilities.

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 for SB 54 and AB 103 so these two laws are NOT suspended. The court 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. The following is a summary of the federal court's decision.

On July 9, 2018, Judge Mendez 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. As a result, the only claims that remain in the lawsuit are against several provisions in AB 450.

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 court 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, State Budget Bill:

AB 103 directs the Attorney General of California to monitor all California immigration detention facilities—both private and public. The court rejected the Trump administration's request to suspend AB 103. This provision, along with the entirety of AB 103, remains valid and binding:

- Requirement on the Attorney General of California to monitor all California immigration detention facilities—both private and public

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 court granted the Trump administration's request to suspend these three provisions with regards to private employers. 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 provisions.

- 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.

The court rejected the Trump administration's request to suspend this provision 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. If you have any questions, please contact Angela Chan at Asian Americans Advancing Justice - Asian Law Caucus at angelac@advancingjustice-alc.org.