

California Immigrant Policy Center

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CIPC'S SPRING LEGISLATIVE UPDATE

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Legislature Considers Bills Affecting California Immigrants *Legislative Opportunities Emerge Amidst Budget Woes*

The New Year began with the demise of health care reform and the announcement of a huge budget deficit facing the state, with potentially harmful consequences for immigrants and all low-income Californians. However, as the political panorama unfolds in Sacramento, it appears that real opportunities exist to bring about meaningful reforms in a number of areas that would benefit immigrant communities.

In the wake of stalled efforts for Health Care Reform, health care advocates are supporting a number of measures that would advance parts of last year's comprehensive Health Care Reform proposal AB x1 1. These represent an opportunity to build towards universal health care over the long term while providing an immediate increase in access to quality health care for many Californians. In addition, despite the dismal state of the budget, several bills moving through the Legislature would improve and promote public benefits, workers' rights, language access and educational opportunities for all Californians. Although this year, anti-immigrant bills are at an all-time high, CIPC is actively working with our allies to halt these attempts to roll back immigrant rights in California. For more information, please visit www.leginfo.ca.gov/billinfo.html or call Layla Razavi at 916.448.6762, ext. 202.

HEALTHCARE

AB 1472 (LENO) – PUBLIC HEALTH: CALIFORNIA HEALTHY PLACES ACT OF 2008 - SUPPORT – This bill, similar to a component in last year's health reform proposal, AB x1 1 (Nuñez) would provide information, guidance, and resources for public health assessments of land use and transportation system planning in order to support childhood development, environmental health, reduce health disparities, and prevent injury, illness, and chronic disease. *This bill was introduced last year and has already been approved by the full Assembly. Last summer, this bill was approved by the Senate Committee on Health 7 to 4 and was referred to the Assembly Committee on Appropriations where it was held on the suspense file. Unless the bill is released from suspense before August 15th, it will not proceed to the Senate Floor for consideration.*

AB 2902 (SWANSON) – PUBLIC HEALTH OUTREACH : COMMUNITY HEALTH CARE WORKERS-SUPPORT – This bill creates a new duty for the Office of Multicultural Health, to encourage the use of community-based health care workers to provide better health outcomes for underserved communities through various public health programs. *This bill will be heard on April 8 in Assembly Committee on Health.*

SB 32 (STEINBERG) – HEALTH CARE COVERAGE: CHILDREN - SUPPORT – This bill is similar to the universal children's coverage component of last year's health care reform proposal AB x1 1 (Nuñez) 2007. This bill expands eligibility for Healthy Families and Medi-Cal to 300 percent of the federal poverty level (FPL) and deletes citizenship and immigration status requirements.

This bill maximizes federal matching funds for these programs, takes steps to improve and coordinate their application and enrollment processes, and facilitates the transition from local children's health initiatives into these programs. This bill also creates the Healthy Families Buy-In program for children whose household income exceeds 300 percent FPL; the Buy-In program would include services provided under the California Children's Services Program (CCSP) and require an additional payment to the existing family contribution level for CCSP. *This bill was introduced last year and has already been approved by the full Senate. Last summer, this bill was approved by the Assembly Committee on Health 12 to 5 and the Assembly Committee on Appropriations 12 to 5. It is now being held on the Inactive File and may be taken up for consideration on the Assembly Floor at the author's discretion.*

SB 840 (KUEHL) – SINGLE-PAYER HEALTH CARE COVERAGE - SUPPORT – This bill creates the California Universal Healthcare System, a state-run, "single-payer" program that provides health coverage to all California residents regardless of income or employment status. This program folds in existing programs such as Healthy Families and Medi-Cal and receives funding through state income and payroll taxes. *This bill was introduced last year and has already been approved by the full Senate. Last summer, this bill was approved by the Assembly Committee on Health 12 to 5 and was referred to the Assembly Committee on Appropriations where it was held on the suspense file. Unless the bill is released from suspense before August 15th, it will not proceed to the Senate Floor for consideration.*

SB 1622 (SIMITIAN) – CALIFORNIA HEALTH BENEFITS SERVICE PROGRAM - SUPPORT – This bill creates the California Health Benefits Services Program, which would create joint ventures between certain county-organized health plans and various other entities and require these ventures to be licensed as health care service plans. *This bill has not been referred to a committee.*

HUMAN SERVICES

AB 2327 (CABALLERO) – EMERGENCY SERVICES: HUMANITARIAN AND RELIEF SERVICES - SUPPORT – This bill is currently in spot bill form and language is being crafted by CIPC and allied organizations. Once the bill is amended, it will require entities performing emergency work to strive to provide all victims with assistance and prohibit public employees from asking for documents from any evacuee. *This bill will be amended and then referred to Assembly Committee on Governmental Organization.*

AB 2844 (LAIRD) – PUBLIC SOCIAL SERVICES: CALWORKS AND THE FOOD STAMP PROGRAM - SUPPORT – This bill repeals quarterly redetermination and instead imposes semiannual redetermination. *This bill has been referred to the Assembly Committee on Human Services and must be heard by April 18th in order to proceed.*

LANGUAGE ACCESS

AB 1301 (TORRICO) – EMERGENCY SERVICES: POPULATIONS WITH LIMITED ENGLISH PROFICIENCY - SUPPORT – This bill requires the California Emergency Council to include in its biennial report on the state of emergency preparedness information on vulnerable populations and identify any inadequacies in meeting their needs. This bill also requires the council to recommend improvements for emergency preparedness for persons with Limited English Proficiency. *This bill has been referred to the Assembly Committee on Governmental Organization and must be heard by April 18th in order to proceed.*

AB 3050 (JONES) – LEGAL AID: COURT INTERPRETERS - SUPPORT – This bill creates a model pilot program that requires any civil action or proceeding, in a county determined by the Judicial Council, in which a party does not proficiently speak or understand the English language to have an

interpreter present during the proceedings who can help him or her communicate with their attorney and the court. The bill also provides that the mandated fee for interpreters be paid by the court. The bill requires the Judicial Council to conduct a study of the need for court reporters in civil proceedings and the extent to which the need is being met and would require the Judicial Council to report its findings and recommendations to the Governor and the Legislature every 3 years. The bill also increases filing fees, the revenue from which would be used by courts providing civil interpreters. *This bill has been referred to the Assembly Committee on Judiciary and must be heard by April 18th in order to proceed.*

SB 1523 (KUEHL) – DOMESTIC VIOLENCE VICTIMS: LIMITED ENGLISH PROFICIENCY PROCEDURES - SUPPORT – CIPC is a co-sponsor of this legislation, which improves services to victims of domestic violence with limited English proficiency. This bill requires the written notice given to victims of domestic violence at the scene of the crime (which includes information regarding the perpetrator, shelter services, community services, and restraining orders) to be translated into the most prevalent languages spoken by local limited-English-proficient communities. This bill also requires that law enforcement domestic violence training include procedures and techniques to ensure timely, effective, and accurate communication with persons who have limited English proficiency. *This bill will be heard on April 8 by the Assembly Committee on Public Safety.*

EDUCATION

AB 2083 (NÚÑEZ) – STUDENT FINANCIAL AID: ELIGIBILITY – SUPPORT

SB 1301 (CEDILLO) – STUDENT FINANCIAL AID: ELIGIBILITY - SUPPORT –

These identical bills amend the Donahoe Higher Education Act, AB 540 (Firebaugh) 2001, to request and require the University of California, California State University, and California Community Colleges to enable persons who are exempt from paying out of state tuition under this provision to receive institutional financial aid awards, including grants, scholarships, work-study, and loans.

The Assembly version of the bill was approved by the Assembly Committee on Higher Education 5 to 1 with 1 abstention. This bill has been referred to the Assembly Committee on Appropriations and must be heard by May 23rd in order to proceed to the Senate Floor for consideration.

The Senate version of the bill will be heard on April 2 in the Senate Committee on Education.

SB 1214 (CEDILLO) – PUPIL INSTRUCTION: ADOPTED COURSE OF STUDY – SUPPORT – This bill adds the subject of the unconstitutional deportations of persons from the U.S. during the Great Depression to the human rights instruction that is required for grades seven through twelve. This bill also encourages the incorporation of survivor and witness testimony into school curricula and professional development activities to provide teachers with content background and resources. *This bill will be heard on April 2 in the Senate Committee on Education.*

WORKERS RIGHTS

AB 2076 (FUENTES) – E-VERIFY - SUPPORT – This legislation is a CIPC-sponsored bill that is currently in spot bill form. Once amended, the bill would signal the State of California's concern with the e-verify program (used by some employers to verify their employees' work authorization) by having the state opt out of using the E-Verify system. The bill would also prohibit local governments from requiring employers to use the system, which is seriously flawed. *The amended language will be available in print and online next week, at which point the bill may be referred to a committee for hearing.*

SB 1244 (ALQUIST) – EMPLOYMENT RETALIATION - SUPPORT – This bill prohibits an employer from discriminating against an employee or applicant because their co-worker or immediate family member has filed a claim with the Labor Commissioner, or testifies or will testify in that proceeding, or exercised their rights, on behalf of himself, herself, or others. *This bill was approved by the Senate Committee on Labor and Industrial Relations 3 to 2 and will be heard on April 8 by the Senate Committee on Judiciary.*

IMMIGRANT RIGHTS

AJR 42 (GARCIA) – IMMIGRATION: DEPORTATION OF VICTIMS OF DOMESTIC VIOLENCE - SUPPORT – This measure urges Congress not to change the current policy to allow victims of domestic violence to pursue permanent resident status. *This bill has not been referred to a committee.*

SB 60 (CEDILLO) – VEHICLES: DRIVER’S LICENSES – OPPOSE UNLESS AMENDED - This bill requires the Department of Motor Vehicles to issue driver’s licenses and identification cards that are in compliance with specified requirements of the federal Real ID Act of 2005. This bill also requires the department to issue a driver’s license that permits driving but is not acceptable for federal identification or for any official purpose to an applicant who does not provide valid documentary evidence of lawful status. Although CIPC has long supported access to driver’s licenses for all Californians, regardless of immigration status, we are opposed to the federal Real ID Act because of its discriminatory effect on immigrants. We urge the Legislature to enact a driver’s license policy that improves public safety by ensuring that all drivers on our streets are trained, tested, licensed and insured in a fair manner. *This bill was introduced last year and has already been approved by the full Senate and received policy and fiscal hearings in the Assembly. It is now being held on the Assembly Floor and may be taken up for consideration at the author’s discretion.*

SB 552 (CEDILLO) – REPARATIONS FUND: UNCONSTITUTIONAL DEPORTATION OF AMERICANS DURING THE 1930S – SUPPORT - This bill creates the 1930s Reparations Fund to facilitate the payment of reparations to American citizens who were unconstitutionally deported to Mexico during the 1930s. *This bill was introduced last year and has already been approved by the full Senate. Last summer, this bill was approved by the Assembly Committee on Judiciary 7 to 2 with 1 abstention and was referred to the Assembly Committee on Appropriations where it was held on the suspense file. Unless the bill is released from suspense before August 15th, it will not proceed to the Assembly Floor for consideration.*

SB 1094 (CEDILLO) – OFFICE OF IMMIGRANT AFFAIRS – SUPPORT - This bill establishes the Office of Immigrant Affairs (OIA) in order to ensure the integration and civic participation of new citizens in the state. The bill requires the OIA to enter into agreements with non-profit organizations that serve immigrants to ensure the success of the Naturalization Services Program (NSP) and provide reimbursement if funds are available. The bill also requires the OIA to submit a plan to the Legislature every other year detailing the goals of the office and results from its efforts. The bill requires the OIA to adjust the plan according to comments presented at legislative hearings and written comments submitted to the OIA. *This bill was heard on March 25 in the Assembly Committee on Human Services but was withdrawn and re-referred to Rules Committee. The bill will have to be re-referred to Human Services in order to receive a vote and proceed.*

ANTI-IMMIGRANT LEGISLATION

AB 1882 (GARRICK) – VEHICLES: DUI - OPPOSE – This bill requires an arresting agency to notify the appropriate federal agency if the arresting agency has reason to believe that a person arrested for driving while under the influence of an alcoholic beverage and/or drug is an illegal immigrant. *This bill will be heard on April 1 in Assembly Committee on Public Safety.*

AB 2089 (DEVORE) – STATE CONTRACTS: UNAUTHORIZED IMMIGRANTS - OPPOSE – This bill requires all state agencies to verify that all of the employees of a bidder or contractor that is awarded a public contract have been subject to E-Verify. This bill prohibits all state agencies from awarding any contract to a bidder or contractor that hires an alien for employment in the United States, knowing the alien is unauthorized, and requires a bidder or contractor who discovers that it is employing an alien to notify the state agency within 3 days. This bill allows a bidder or contractor who reasonably relied on fraudulent documents to remain eligible for the state contract. *This bill will be heard on April 8 in Assembly Committee on Elections and Redistricting.*

AB 2102 (WALTERS) – STATE EMPLOYMENT: ELIGIBILITY VERIFICATION - OPPOSE – This bill requires every state agency to use the E-Verify program, which has been shown by several government sponsored commissions to have a high error rate. *This bill has been referred to the Assembly Committee on Business and Professions and must be heard by April 18th in order to proceed.*

AB 2141 (TRAN) – FOREIGN INMATES - OPPOSE – This bill requires the department to verify the immigration status of any new prisoner under the custody of the department. The bill requires correctional officers to cooperate with Immigration and Customs Enforcement (ICE) in the verification and deportation process and provides that they shall be trained to conform with laws and regulations pertaining to immigration and customs. *This bill will be heard on April 1 in the Assembly Committee on Public Safety.*

AB 2199 (PLESCIA) – ATTORNEY GENERAL: MEMORANDUM OF UNDERSTANDING - OPPOSE – This bill requires the State of California to enter into a Memorandum of Understanding with the federal government concerning the investigation, apprehension, or detention of immigrants in California by state or local employees. *This bill has been referred to both the Assembly Committee on Judiciary and the Assembly Committee on Public Safety and must be heard in both committees by April 18th in order to proceed.*

AB 2201 (PLESCIA) – PUBLIC CONTRACTS: HIRING - OPPOSE – This bill requires every state agency to use E-Verify. This bill also requires all state agencies to award public contracts to contractors or bidders that use E-Verify. *This bill has been referred to the Assembly Committee on Business and Professions and must be heard by April 18th in order to proceed.*

AB 2317 (WALTERS) – VOTER REGISTRATION: PROOF OF CITIZENSHIP - OPPOSE – This bill prohibits a person from being registered a voter unless he or she can provide proof of citizenship in a prescribed form at the time of registration. *This bill has been referred to the Assembly Committee on Business and Professions and must be heard by April 18th in order to proceed.*

AB 2418 (HUFF) – BAIL - OPPOSE – This bill provides that no person charged with certain violent or gang-related felonies shall be eligible for bail or released pending trial if, at the time of the alleged offense, the person was in the United States illegally. The bill also requires the sheriff of the county in which the subject is being held to notify federal Immigration and Customs Enforcement and also requires the sheriff, district attorney, and trial courts of each county to report this information to the Department of Justice for inclusion so that reimbursement may be sought from the federal government for the cost of incarceration. *This bill has been referred to the Assembly Committee on Public Safety and must be heard by April 18th in order to proceed.*

AB 2419 (HUFF) – ARRESTS: NONCITIZENS - OPPOSE – This bill requires an arresting agency to notify the appropriate federal agency if a peace officer has reason to believe that a person arrested for any one of several specified driving under the influence (DUI) offenses may not be a citizen of the United States. *This bill has been referred to the Assembly Committee on Public Safety and must be heard by April 18th in order to proceed.*

AB 2420 (HUFF) – ARRESTS: IMMIGRATION - OPPOSE – This bill provides that no law enforcement entity or any local governing body may adopt an ordinance, or otherwise implement a policy, that prohibits law enforcement officers from discovering a person's immigration status or prohibiting a law enforcement officer from arresting or booking a person for entering the U.S. illegally. *This bill has been referred to the Assembly Committee on Public Safety and must be heard by April 18th in order to proceed.*

AB 2421 (HUFF) – EMPLOYMENT OF UNAUTHORIZED PERSONS - OPPOSE – This bill mandates all employers to use the E-Verify system. It also requires the Attorney General, county counsel, or district attorney to investigate a complaint alleging that an employer has intentionally employed an unauthorized immigrant and, when confirmed to be true, notify local and federal entities of the unauthorized worker. The bill requires the county counsel or district attorney to bring an action for the violation and requires that, when the court finds an employer to have intentionally employed an unauthorized immigrant, the employer temporarily or permanently lose business licenses based on the severity of the offense and whether it is the first, second, or third such offense. The bill provides that an employer did not intentionally employ an unauthorized immigrant if the employer provides proof of verification of employment eligibility through E-Verify. The bill also requires a list of employers with one offense to be made available on the internet website of the Attorney General. *This bill will be heard on April 9 in Assembly Committee on Labor and Employment and, if approved, will then be referred to Assembly Committee on Judiciary for a second hearing.*

AB 2422 (HUFF) – CORRECTIONS: UNDOCUMENTED FELONS - OPPOSE – This bill requires the Department of Corrections to identify state prison inmates or wards of juvenile facilities who are undocumented felons subject to deportation. The bill also requires the department to refer said inmates or wards to United States Immigration and Customs Enforcement. *This bill will be heard on April 8 in the Assembly Committee on Public Safety.*

AB 2812 (SILVA) – EMERGENCIES: ILLEGAL IMMIGRATION - OPPOSE – This bill adds illegal immigration to the list of conditions that constitute a state or local emergency for purposes of authorizing that an emergency exists. *This bill will have been referred to the Assembly Committee on Governmental Organization and must be heard by May 2nd in order to proceed to the Senate Floor for consideration.*

ACA 14 (STRICKLAND) – STATE-FUNDED BENEFITS - OPPOSE – This resolution proposes a constitutional amendment (subject to voter approval) that would require an individual 18 years of age or older to provide evidence of his or her United States citizenship or right to lawfully reside in the United States when applying for a non-emergency state-funded public benefit. *This measure has not been referred to a committee.*

AJR 44 (HUFF) – ILLEGAL IMMIGRATION - OPPOSE – This resolution urges an amendment to the United States Constitution to deny United States citizenship to individuals born in the United States to parents who are neither United States citizens nor persons who own permanent allegiance to the United States. *This measure has not been referred to a committee.*

SJR 18 (WYLAND) – CITIZENSHIP AND VOTING - OPPOSE – This measure calls on the federal government to rescind key provisions of the Voting Rights Act of 1965 so that all election and ballot information would only be printed in English. The measure also calls on the federal government to prohibit a citizen of another country from becoming a citizen of the United States unless he or she renounces his or her citizenship from that other country. *This measure has been referred to the Senate Committee on Elections, Redistricting and Constitutional Amendments and must be heard by May 2nd in order to proceed to the Senate Floor for consideration.*

SB 1398 (MARGETT) – BIRTH AND DEATH RECORDS: IDENTIFICATION - OPPOSE – This bill would require any person who requests, in person, a certified copy of a birth or death certificate, to provide the official with valid identification, as prescribed. This bill would require that any person who has been the victim of identity theft who requests, in person, a certified copy of a birth or death certificate, submit a statement sworn under penalty of perjury that he or she is an authorized person and provide evidence, as prescribed, that he or she has been the victim of identify theft. *This bill will be heard on April 2 in Senate Committee on Health.*

AB 2601 (BENOIT) – LOCAL GOVERNMENT FINANCE: VEHICLE LICENSE FEE REVENUES - OPPOSE – This bill prohibits the allocation of vehicle license fee revenues to any city that is declared to be a sanctuary city. This bill states the intent of the Legislature to use the VLF revenues that would have been allocated to such cities, instead, for the purpose of providing grants to cities that would like additional law enforcement training concerning federal immigration law. *This bill will be heard on April 16 in the Assembly Committee on Local Government.*

AB 1766 (BLAKESLEE) – SMUGGLING OF PERSONS - OPPOSE – This bill creates a misdemeanor for anyone who intentionally assists another person to enter or travel through California under circumstances likely to produce great bodily injury or death to the other person even if neither results. It punishes persons convicted of this new misdemeanor with a fine of \$5,000. *This bill failed in the Assembly Public Safety Committee on March 25th, but was granted reconsideration.*