

CALIFORNIA LEGISLATURE—2025-2026 SIMULATION SESSION

SENATE BILL

NO. 42

Introduced by Senator Smallwood-Cuevas

October 01, 2025

This bill will extend protections for workers in immigration enforcement by limiting employer assistance, requiring notice to employees, protecting jobs and benefits, enhancing penalties, and funding quick legal and translation services across the state.

LEGISLATIVE COUNSEL’S DIGEST

Existing law, including AB 450 (2018) and Government Code subdivisions 7285.1–7285.2, restricts employer collaboration with federal immigration enforcement. Employers are not permitted to knowingly consent to having federal immigration officers enter nonpublic working areas without a court warrant, and employers must inform employees about I-9 inspections within 72 hours. Existing law also prohibits retaliation against employees based on immigration status.

This bill would expand and strengthen these protections. It would prevent employers from voluntarily giving employees' home addresses, work schedules, contact details, or other private information to immigration enforcement without a judicial warrant. The bill would require immediate written notice to employees and the Labor Commissioner upon receipt of an immigration enforcement request. The employer would be required to maintain an employee's job, compensation, and benefits unchanged for a period of up to 90 days when such employee is detained in connection with an enforcement action.

The bill would increase civil penalties for violations, create a private right of action with statutory damages, and deposit penalty revenues into a new Rapid Response Legal Assistance Fund. The Department of Industrial Relations would manage the fund to provide grants to legal aid and worker centers for immediate legal and language services. The bill would take \$10 million from the General Fund to establish the fund.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Definitions.

- (a) “Employee” means any individual performing labor or services for wages.
 - (b) “Employer” means any entity or agent acting in the interest of an employer.
 - (c) “Nonpublic personal data” includes home addresses, phone numbers, email addresses, social security numbers, schedules, and any workplace location data not publicly available.
 - (d) “Immigration enforcement request” means any request by federal immigration authorities for access to employees, records, or nonpublic areas of the workplace.
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SEC. 2. Prohibition on Voluntary Disclosure.

- (a) Employers shall not voluntarily provide nonpublic personal data, schedules, or workplace access to immigration enforcement without a valid judicial warrant or subpoena.
 - (b) If an employer receives such a warrant or subpoena, the employer must limit disclosure to its scope and provide a copy to the affected employee.
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SEC. 3. Notice Requirements.

- (a) Within 24 hours of receiving any immigration enforcement request, the employer shall notify:
 - (1) Each affected employee in a language they understand; and
 - (b) Notices shall include a copy of the request, the name of the agency, the scope of the request, and contact information for the Rapid Response Legal Assistance Fund.
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SEC. 4. Job Preservation.

- (a) If an employee is detained due to an immigration enforcement action connected to their workplace, the employer shall preserve the worker’s position, benefits, and seniority for 90 days.
 - (b) This requirement shall not apply if the position is eliminated for legitimate business reasons unrelated to enforcement.
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SEC. 5. Anti-Retaliation.

- (a) Employers shall not retaliate against employees for exercising rights under this act.
 - (b) Retaliation includes termination, demotion, reduction in hours, or harassment.
 - (c) Workers may bring civil action for reinstatement, damages, statutory damages of \$10,000 per violation, and attorney’s fees.
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SEC. 6. Penalties.

- (a) Employers violating this act shall be subject to fines as follows:
 - (1) First violation: \$5,000–\$20,000.
 - (2) Second violation: \$20,000–\$50,000.

(3) Subsequent violations: \$50,000–\$100,000.

(b) Penalties shall be deposited into the Rapid Response Legal Assistance Fund.

SEC. 7. Rapid Response Legal Assistance Fund.

(a) The Fund is created in the State Treasury to provide legal aid, translation services, and reemployment assistance for workers impacted by immigration enforcement.

(b) The Department of Industrial Relations shall administer the Fund in coordination with the Attorney General.

(c) The Fund shall consist of appropriations, penalty revenues, and donations.

(d) Ten million dollars (\$10,000,000) is appropriated from the General Fund for the 2025–26 fiscal year to establish the Fund.
