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AB-560 Civil actions: immigration status. (2015-2016)

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Assembly Bill No. 560

CHAPTER 151

An act to add Section 3339.5 to the Civil Code, relating to civil actions.

[Approved by Governor August 10, 2015. Filed with Secretary of State August 10, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 560, Gomez. Civil actions: immigration status.

Existing law declares that all protections, rights, and remedies available under state law are available to all individuals in the state who have applied for employment or are employed, regardless of immigration status, as specified. Existing law also declares, for the purposes of enforcing state labor, employment, civil rights, and employee housing laws, that a person's immigration status is irrelevant to the issue of liability and that discovery into a person's immigration status is prohibited unless the person seeking to make the inquiry has shown by clear and convincing evidence that the inquiry is necessary to comply with federal immigration law.

This bill would additionally provide that the immigration status of a minor child seeking recovery under any applicable law is irrelevant to the issues of liability or remedy and would prohibit discovery or other inquiry in a civil action or proceeding into a minor child's immigration status, with specified exceptions.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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

SECTION 1. Section 3339.5 is added to the Civil Code, to read:

3339.5. (a) The immigration status of a minor child seeking recovery under any applicable law is irrelevant to the issues of liability or remedy, except for employment-related prospective injunctive relief that would directly violate federal law.

(b) Discovery or other inquiry in a civil action or proceeding relating to a minor child's immigration status shall not be permitted except where the minor child's claims place the minor child's immigration status directly in contention or the person seeking to make this inquiry has shown by clear and convincing evidence that the inquiry is necessary in order to comply with federal immigration law.

(c) The provisions of this section are declaratory of existing law.

(d) The express application of this act to minors is not intended to imply that adults are not likewise protected by existing law in the same circumstances.