



www.RightToLifeLeague.org
(626) 398-6100

February 11, 2023

Committee Chair, Senator Aisha Wahab Committee Chair, Senator Thomas J. Umberg
Senate Public Safety Committee Senate Judiciary Committee
1020 N Street, Room 545 1021 O Street, Room 3240
Sacramento, CA 95814 Sacramento, CA 95814

Re: Letter opposing SB 36 “safe haven” bill for abortion and gender-affirming care.

Dear Chairs and Members of the Senate Judiciary and Senate Committee on Public Safety,

On behalf of the Right to Life League and our supporters, we urge you to reject **SB 36**. The bill is wholly unnecessary and will cost California taxpayers untold amounts in legal fees to defend legislation that, on its face, violates the U.S. Constitution.

The bill is a virtue-signaling carve-out to pander to abortionists and those who profit from human and child trafficking. It is next level interstate legislative lawfare designed to 1) undercut foreign states’ valid laws, 2) strip power from judges and bail bondsmen to execute valid warrants issued by other states; and 3) intimidate law enforcement officials from doing their statutory duties by creating a private cause of action against them.

The U.S. Constitution is the supreme law of our land. Thanks to the recent U.S. Supreme Court decision in *Dobbs*, states regulate abortion. *Dobbs* did not change the applicability of the Full Faith and Credit Clause in Article 4. California may proclaim itself an “Abortion Sanctuary”; however, California may not thwart the laws of other states to suit its radical pro-abortion agenda.

SB 36 is unconstitutional on its face. SB 36’s proposed revisions to the California penal code clearly violate the Full Faith and Credit Clause of the U.S. Constitution which states: “*Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.*”

SB 36 will add Section 847.5 to the Penal Code to read:

847.5. *(b) A magistrate shall not issue a warrant for the arrest of an individual whose alleged offense or conviction is for the violation of laws of another state that authorizes a criminal penalty to an individual performing, receiving, supporting, or aiding in the performance or receipt of an abortion or gender-affirming care if the abortion or care is lawful under the laws of this state, regardless of the recipient’s location.*

Letter in Opposition: SB 36

(c) A bondsman or person authorized, pursuant to subdivision (a) of Section 1299.02, to apprehend, detain, or arrest a fugitive admitted to bail in another state who takes into custody a fugitive admitted to bail in another state whose alleged offense or conviction is for the violation of laws of another state that authorizes a criminal penalty to an individual performing, receiving, supporting, or aiding in the performance or receipt of an abortion or gender-affirming care if the abortion or care is lawful under the laws of this state, regardless of the recipient's location, without a magistrate's order, is ineligible for a license issued pursuant to Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code or Section 1800 of the Insurance Code, and shall forfeit any license already obtained pursuant to those laws.

(d) A person who is taken into custody by a bail agent in violation of subdivision (b) may institute and prosecute a civil action for injunctive, monetary, or other appropriate relief against the bondsman and bond company within three years after the cause of action accrues.

On its face, the bill's subsections (b), (c) and (d) impermissibly violate the U.S. Constitution. Subsection (b) unlawfully forbids magistrates from complying with valid court orders issued in foreign states. Subsection (c) strips state licensing of bail agents and bondsmen complying with valid court orders issued in foreign states. Subsection (d) creates a private cause of action designed to chill the enforcement of foreign states' laws.

Like other unconstitutional laws AB 1666 and AB 2091, SB 36 usurps valid judicial power to unlawfully ignore other states' laws. SB 36 blatantly violates the Full Faith and Credit Clause in Article 4 of the U.S. Constitution by instructing those tasked with enforcing foreign state law not to comply. **SB 36 will thwart enforcement of foreign laws against abusers and human traffickers who flee to California to escape prosecution in other states, denying justice to their victims.**

Passage of SB 36 will subject taxpayers to a lengthy and expensive judicial battle which California will ultimately lose. This money could be better spent on providing meaningful aid to low-income women who want to keep their unborn babies.

Very Truly Yours,



Susan S. Arnall, Esq.

Vice President of Legal Affairs

Right to Life League

