

Proposition 187

- November 1994, California voters approved Proposition 187 by a 59%-41% margin.
- Initiative denied illegal aliens state-funded services, including public education and non-emergency health care.
- Required state authorities to facilitate the identification and removal of illegal aliens by the U.S. Immigration and Naturalization Service (INS).
- The State of California's Legislative Analyst estimated that Prop 187 would save the state about \$100-200 million per year.

Proposition 187--Public education

- Public elementary, secondary, and postsecondary schools may not admit a student who is not “authorized under federal law to be present in the United States.”
- Elementary and secondary schools also must verify the status of the parent or guardian of each child enrolled or seeking enrollment.
- Whenever an individual whose status is required to be verified is determined or reasonably suspected to be violating federal immigration laws, notice is to be provided to state authorities and INS.

Proposition 187--Public Social Services

- An individual may not receive a public social service until verified as a citizen or a “lawfully admitted” alien.
- Applicants determined or reasonably suspected to be violating immigration law are to be warned and reported to state authorities and INS.

Proposition 187--Publicly-funded Health Care Services

- No applicant may receive publicly-funded “health care services” until citizenship or immigration status has been verified.
- Whenever a publicly-funded health facility determines or reasonably suspects that an applicant is an unlawful alien, the applicant, and the State Director of Health Services, the State Attorney General, and INS, are to be notified.

Proposition 187-Other Provisions

- State law enforcement agencies must verify the legal status of arrested individuals suspected of being illegal aliens and report those appearing to lack lawful status.
- Prop 187 also makes it a felony punishable up to 5 years to make, distribute, or use false documents intended to conceal an individual's true status as an illegal alien.
- Unlike other provisions of Prop 187, the federal district court held that these criminal provisions were not preempted by federal law and may be enforced.

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- On November 11, 1994, three days after the bill's passage, Federal Judge W. Matthew Byrne issued a temporary restraining order against institution of the measure, which was filed by State Attorney General Dan Lungren.
- December 1994, Judge Mariana Pfaelzer issued a permanent injunction of Proposition 187, blocking all provisions except those dealing with higher education and false documents.
- November 1997, Pfaelzer found the law to be unconstitutional on the basis that it infringed on the federal government's exclusive jurisdiction over matters relating to immigration.

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- Newly elected Democratic Governor Gray Davis had the case brought before mediation. His administration withdrew the appeal before the courts in July 1999, effectively killing the law.
- California repealed the unenforceable sections of Proposition 187 in 2014.
- In September 2014, California passed a bill, [SB 396](#), that removes those sections from California's education, health and safety, and welfare codes, as a symbolic act after the repeal of Prop.187.
- Bill author Kevin de León said this "closes a dark chapter in our state's history, and brings dignity and respect to the national immigration debate."