

## ASSEMBLY THIRD READING

AB 263 (Bonta)

As Amended April 15, 2021

2/3 vote. Urgency

**SUMMARY**

Requires a private detention facility operator to comply with all local and state public health orders and occupational safety and health regulations.

**Major Provisions****COMMENTS**

*Immigration Detention Facilities and Covid-19:* Private detention centers, like jails and prisons, are epicenters for infectious diseases because of the higher prevalence of infection, the higher levels of risk factors for infection, the close contact in often overcrowded, poorly ventilated facilities, and the poor access to health-care services relative to that in community settings.

There is confusion as to which entities should be administering vaccines to individuals held in immigration detention centers. Because detainees are in federal custody, state health officials have said that they aren't sure who is responsible for vaccination at the detention centers. "I will tell you very transparently right now, the answer is I don't know," California Surgeon General Nadine Burke Harris, who chairs the state's vaccine advisory committee, told committee members in February, 2021. "There are some real complex jurisdictional issues that are at play." (<https://calmatters.org/health/coronavirus/2021/02/immigrants-detention-centers-vaccine/>)

United States Immigration and Customs Enforcement officials say that while its medical staff may help administer the vaccinations, it's up to states and local health departments to come up with the doses and a plan for vaccinating detainees. Six of California's seven centers are operated by private companies. (Id.)

**According to the Author**

According to the author, "The humanitarian crisis posed by the spread of COVID-19 in private immigration detention facilities in California is having disastrous consequences for those detained in those facilities, and should be of grave concern given the significant challenges this potential outbreak has for California as a whole. Civil detention facilities which house immigrants have requirements in their federal contracts with respect to health and safety, but it appears that these private corporations routinely violate the health and safety requirements for these facilities in their daily operations and have not followed public health orders or protocols. AB 263 ensures that California takes steps to clarify and state that all private detention facilities in the state must comply with and adhere to state and local public health orders. The bill empowers local and state public health officials to issue public health orders for private facilities, informed by the latest information on COVID-19."

**Arguments in Support**

According to the *Immigrant Legal Defense*, "During a pandemic in which the actions of a few can impact the wellbeing of so many, accountability for private prison operators is paramount. While the consequences of COVID-19 in private detention are dire for those detained, it should

be of grave concern given the significant challenges this potential outbreak has for California as a whole. Outbreaks in these facilities can quickly overwhelm local hospitals and drain medical resources, threatening community health and public safety. "Civil detention facilities that house immigrants have requirements in their federal contracts with respect to health and safety. This includes language requiring each facility to "comply with current and future plans implemented by federal, state or local authorities addressing specific public health issues including communicable disease reporting requirements." In addition to the mandatory requirements related to public health, the federal government has issued broad requirements related to the day to day operations of these facilities, including requirements related to health and safety in these facilities.

"Based on reports in the press and by those detained inside these facilities, it appears that these private corporations routinely violate the health and safety requirements for these facilities in their daily operations, and have not followed public health orders or protocols. California must take steps to clarify that all private detention facilities in the state must abide by state and local public health orders. This would ensure the statewide coordination that will be needed to secure our state during the COVID-19 pandemic. California must also ensure that all of these facilities are following occupational health and safety regulations in their operations."

#### **Arguments in Opposition**

None.

#### **FISCAL COMMENTS**

Unknown. This bill is keyed non-fiscal by the Legislative Counsel.

#### **VOTES**

**ASM PUBLIC SAFETY: 8-0-0**

**YES:** Jones-Sawyer, Lackey, Bauer-Kahan, Lee, Quirk, Santiago, Seyarto, Wicks

#### **UPDATED**

VERSION: April 15, 2021

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