

Date of Hearing: April 7, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 1801 (Lee) – As Introduced February 10, 2026

As Proposed to be Amended

SUBJECT: PUBLIC AGENCIES: APPROVAL: DETENTION FACILITIES

KEY ISSUES:

- 1) SHOULD EXISTING LAW PROHIBITING LOCAL GOVERNMENTS FROM APPROVING A TRANSACTION INVOLVING CIVIL IMMIGRATION DETENTION WITHOUT NOTICE AND HEARING BE CLARIFIED TO INCLUDE SPECIFIC REQUIREMENTS AND TIMELINES?
- 2) SHOULD THE SAME PROVISIONS BE MODERATELY EXPANDED TO APPLY TO ANY TRANSACTION IMPLICATING LAND USE DECISION MAKING IF THE TRANSACTION INVOLVES THE HOUSING AND DETENTION OF ANY PERSON FOR PURPOSES OF CIVIL IMMIGRATION ENFORCEMENT?

SYNOPSIS

In 2017, the Legislature enacted SB 29 (Lara) Chap. 3, Stats. 2017, which prohibited local governments from contracting with private companies to detain noncitizens for immigration enforcement action. Recognizing that local governments were also involved in land use proceedings where private entities sought to operate detention centers, the bill also imposed notice and hearing requirements before the local government could complete any land use-related reforms necessary for a private corporation to detaining or holding noncitizens for the purpose of civil immigration proceedings. In 2020, that new statute was challenged when the City of McFarland granted the GEO Group permission to manage immigration detention centers in the city. The Immigrant Legal Resources Center sued, arguing that the City had not complied with the new statute's notice and hearing requirements. Although the federal district court granted the ILRC's request for an injunction, the Ninth Circuit found that the City had followed the letter of the law and reversed the district court's injunction. This bill seeks to both clarify and strengthen existing law by incorporating explicit timelines and procedures into the existing notice and hearing provisions. The author is also proposing a clarifying amendment, incorporated into the SUMMARY and discussed in the body of this analysis.

This bill is sponsored by the Immigrant Legal Resource Center (ILRC). It is supported by a broad coalition of immigrants' rights and civil rights advocates. There is no known opposition.

SUMMARY: Expands the scope of notice and hearing requirements for a local government that engages in a land use authorization with a private company to capture circumstances involving plans to house or detain any person for purposes of civil immigration custody, and imposes new explicit standards and procedures for the statute's existing notice and hearing requirements. Specifically, **this bill:**

- 1) Prohibits any board, commission, or agency of any city, county, city and county, from approving any of the following for the building or reuse of existing buildings by any private corporation, contractor, or vendor to house or detain any person for purposes of civil immigration custody before completing specified requirements:
 - a) A deed or instrument, or other document related to a conveyance of land;
 - b) A permit or modification to a permit;
 - c) Any other document signifying the public entity's approval, regardless of whether authority to issue the approval lies with the legislative body, and advisory body thereto, or administrative staff.
- 2) Requires a city, county, city and county, or public agency thereof to provide notice to the public of any of the proposed actions at least 180 days before approval or execution of the proposed action.
- 3) Requires public notice to comply with all of the following:
 - a) Contents of the public notice shall comply with Section 65094 of the Government Code;
 - b) Be dated and posted on the applicable public entity's website;
 - c) Physically posted at the public entity's headquarters;
 - d) Published in at least one local newspaper of general circulation within the jurisdiction, or if there is no such newspaper, the notice shall be posted in at least three public places within the jurisdiction;
 - e) For the duration of the 180-day notice period, broadcast weekly over local radio stations in the top five languages spoken in the applicable jurisdiction according to the most recent census;
 - f) All written public notices shall be provide in the top five languages spoken in the applicable jurisdiction according to the most recent census;
 - g) Include access to any documents related to the action being considered, including, but not limited to, any related applications or reports.
- 4) Requires the city, county, city and county, or public agency, upon request and subject to the exemptions from disclosure in the California Public Records Act, to promptly provide access to any documents related to the proposed action, which shall at minimum be made available in hard copy format at its physical headquarters during business hours and in electronic format on its internet website.
- 5) Requires the city, county, city and county, or public agency to solicit and hear public comments on any of the proposed actions in at least two separate meetings open to the public.

- 6) Requires each meeting to be noticed pursuant to Government Code Section 65090, and each public comment opportunity to be clearly noticed as a stand-alone item on a meeting agenda pursuant to the California Public Records Act.
- 7) Requires the first meeting to be held at least 30 business days after the notice and the second hearing to be held at least 30 business days after the first meeting. Requires translation for public comment to be provided in the most widely spoken language, other than English, in the jurisdiction according to the most recent census.
- 8) Applies the requirements of this subdivision independently to a city, county, city and county, and public agency thereof, including, but not limited to, any board, commission, or agency of any city, county, and city and county.

EXISTING LAW:

- 1) Prohibits a city, county, city and county, or local law enforcement agency that does not, as of January 1, 2018, have a contract with the federal government or any federal agency or a private corporation to house or detain noncitizens for purposes of civil immigration custody from, on and after January 1, 2018, entering into a contract with the federal government or any federal agency or a private corporation, to house or detain in a locked detention facility noncitizens for federal immigration custody.
- 2) Prohibits a city, county, city and county, or local law enforcement agency that, as of January 1, 2018, has an existing contract with the federal government or any federal agency or a private corporation to detain noncitizens for purposes of civil immigration from, on and after January 1, 2018, renewing or modifying that contract in a manner that would expand the maximum number of contract beds that may be utilized to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody.
- 3) Makes any facility that detains a noncitizen pursuant to a contract with a city, county, city and county, or a local law enforcement agency, subject to the California Public Records Act.
- 4) Prohibits a city, county, city and county, or public agency from, on and after January 1, 2018, approve or sign a deed, instrument, or other document related to a conveyance of land or issue a permit for the building or reuse of existing buildings by any private corporation, contractor, or vendor to house or detain noncitizens for the purposes of civil immigration proceedings unless the city, county, city and county, or public agency has done both of the following:
 - a) Provided notice to the public of the proposed conveyance or permitting action at least 180 days before execution of the conveyance or permit;
 - b) Solicited and heard public comments on the proposed conveyance or permit in at least two separate meetings open to the public.

FISCAL EFFECT: As currently in print this bill is keyed non-fiscal.

COMMENTS: Immigration detention centers, which are practically all privately owned and operated in California, are notorious for inhumane conditions and mistreatment of detainees. In November 2025, the American Civil Liberties Union (ACLU) with other civil rights

organizations filed a class action lawsuit on behalf of a group of detainees at a facility in California City in Kern County, alleging failure to provide sanitary conditions and access to health care, including sewage leaks, insect infestations, lack of access to attorneys, and insufficient cold-weather clothing. (Maria Pena, *Detainees sue ICE for allegedly denying medical care at California City facility*, The Fresno Bee (Nov. 15, 2025) available at: <https://www.fresnobee.com/news/california/article312905782.html>.) News reports about another detention center in San Diego detail rampant rape and sexual abuse, including an allegation of at least seven reported assaults at the Otay Mesa center in 2025 went uninvestigated. (Wendy Fry and Niguel Duara, *Why a private company is investigating rapes at an ICE detention center instead of the sheriff*, CalMatters (March 24, 2026) available at: <https://www.fresnobee.com/news/california/article312905782.html>.) These practices are not new and prompted legislation during the first Trump administration.

A brief background on Civil Code Section 1670.9. In response to the first Trump administration's immigration enforcement actions and his agencies' heavy reliance on the use of private detention facilities, the Legislature enacted SB 29 (Lara) Chap. 3, Stats. 2017. SB 29 prohibited local governments from contracting with private detention centers to hold immigrants subject to immigration enforcement actions. (Civil Code Section 1670.9.) Civil Code Section 1670.9 (d) also prohibits local governments and agencies from approving or signing "a deed, instrument, or other document related to a conveyance of land or issue a permit for the building or reuse of existing buildings" to any private business or contractor for the purposes of immigration enforcement and detention *unless* they 1) provide public notice of the proposed conveyance or permitting at least six months before the execution or conveyance of the permit, and 2) the government or agency solicits and hears public comments on the proposal. In effect, whenever a private corporation seeks to open a new immigration detention center, or repurpose an existing center for purposes of immigration enforcement, Section 1670.9 (d) requires the local government to provide notice and a hearing before taking an action or granting authority for the corporation to do so.

In 2019, the GEO Group (a group that often contracts with the federal government to provide immigration detention centers) entered into a contract with Immigration and Customs Enforcement (ICE) to operate two new immigration detention centers at existing detention facilities in McFarland, California. The GEO Group initiated the process to modify existing conditional use permits with the city. After a series of notices and public hearings before the City's Planning Commission, the Planning Commission denied the GEO Group's application. The GEO Group then appealed to the City Council which approved the GEO Group's application after one public hearing. The Immigrant Legal Resources Center (ILRC) sued for a writ of mandate in Kern County to compel the city of McFarland to revoke the approval, claiming that the City did not comply with the requirements imposed by Civil Code Section 1670.9 (d). The GEO Group moved to transfer the case to federal court where the ILRC argued that the statute requires "*each public body* [emphasis added] considering any action pertaining to an immigration detention facility to provide 180 days' notice and to hold at least two public meetings before approving the action. In other words, Petitioners argued that even though the Planning Commission held two public meetings, the City Council was also required to independently hold two public meetings once the matter was before it." (*Immigrant Legal Res. Ctr. V. City of McFarland* (2020) 472 F.Supp.3d 779, 784) In addition to trying to argue that the Planning Commission and City Council were two separate public bodies, and that the Planning Commission was not merely exercising delegated authority from the Council, the ILRC further argued that the City Council improperly granted the GEO Group's application at their one public

hearing because the hearing occurred less than 180 days after when the public was first noticed as required by Section 1670.9 (d). Ultimately, the district court granted the ILRC's petition for a temporary restraining order enjoining the city from executing the GEO Group's conditional use permits. The district court's decision was then overturned by the Ninth Circuit which held that the City had complied with the statute's requirement to hold two separate meetings, stating "In fact, the City held *three* public meetings to consider the permit modifications: two before the Planning Commission and one before the City Council." (*Immigrant Legal Res. Ctr. V. City of McFarland* (2020) 827 Fed. Appx. 749.) The Ninth Circuit additionally disagreed with the district court that there was any violation of the statute's 180-day notice requirement. In sum, the district court's ambiguous reading of the statute was directly opposed by the Ninth Circuit which held that the City had complied with the precise letter of the law.

This bill seeks to erase any potential ambiguity in the interpretation of Civil Code Section 1670.9 (d). Briefly, the bill as currently in print would expand the existing law's applications to circumstances where a local government would convey land, issue a permit, or any other document for the use of a building by a private corporation to house *any* person. Existing law only imposes the notice and hearing requirements where these actions are being considered for housing *noncitizens* for purposes of *civil immigration proceedings*. Therefore, the current version of this bill would significantly expand the statute's scope, potentially even capturing businesses completely unrelated to the case which served as the impetus for this bill, such as hotels. It seems that the author and sponsors intent was to somewhat expand the bill's scope to capture parties who may be detained for immigration-related purposes, but who may be citizens. To the extent we have seen the current administration pay little to no attention to the citizenship status of those they detain, this expansion is understandable. To narrow the bill's impact from its current version but still reflect the author and sponsors original intent, the author proposes the following amendment:

(d) (1) A city, county, city and county, or public agency thereof, including any board, commission, or agency of any city, county, city and county, shall not approve or execute any of the following for the building or reuse of existing buildings by any private corporation, contractor, or vendor to house or detain any person **for purposes of civil immigration custody** before completing the requirements of paragraphs (2) to (4), inclusive:

The bill seeks to clarify beyond any shadow of a doubt that no local government, including any board, commission, or agency of any city, county, city and county, can approve a deed or other instrument related to conveyance of land, a permit or modification to a permit, or "any other document signifying the public entity's approval, regardless of whether authority to issue the approval lies with the legislative body" for the building or reuse of existing buildings by a private corporation to house or detain any person for purposes of civil immigration custody (as proposed to be amended) unless it first 1) provides notice to the public at least 180 days before approval *or* execution of the action and 2) solicits and hears public comments on the proposed action.

The bill would also require the public notice to meet additional qualifications including 1) complying with Government Code Section 65094 (which governs public notices for the Planning and Zoning Law), 2) be dated and posted on the public entity's website, 3) be physically posted at the entity's headquarters, 4) be published in at least one local newspaper of general circulation within the jurisdiction or, in the event there is no local newspaper, posted in at least three public places within the jurisdiction, 5) broadcast weekly over local radio stations in the top five

languages spoken in the jurisdiction, 6) provide the written notices in the top five languages spoken in the jurisdiction, and 7) include access to any documents related to the action being considered such as any related applications or reports.

In order to comply with the public hearing and comment provisions, the local government or entity must 1) notice the hearing and opportunity for public comment pursuant to the Planning and Zoning Law and each public comment opportunity must be clearly noticed as a stand-alone item on a meeting agenda, and 2) hold the first meeting at least 30 business days after the notice is given, and hold the second hearing at least 30 days after the first. The local government would also be required to provide translation for public comment in the most widely spoken language other than English.

The bill also would require the public entity to provide access to any documents related to the proposed action at least in hard copy at the entity's headquarters or in electronic format online, subject to exceptions under the California Public Records Act (CPRA).

The bill as currently in print states that all of the above provisions are declaratory of existing law. A number of the provisions do incorporate provisions of existing law by reference. Where new requirements are being incorporated that are not reflective of the Planning and Zoning Law or the CPRA, those requirements may very well reflect the original intent of SB 29. However, the bill does certainly change existing law. First by expanding its scope to capture land use proceedings that involve use of a building to detain or house anyone for the purposes of civil immigration custody, and second by imposing a number of new specifications for the notice and public hearing requirements. Acknowledging this bill establishes new legal standards and requirements, the author proposes to strike subparagraph (d)(6).

ARGUMENTS IN SUPPORT: This bill is sponsored by the Immigrant Legal Resource Center (ILRC). It is supported by a broad coalition of immigrants' rights and civil rights advocates. In support of the bill, the sponsors posit:

AB 1801 promotes transparency and accountability by ensuring that local communities receive meaningful notice and opportunity to engage in local decision-making regarding immigration detention centers. It is crucial that communities have a meaningful voice in decisions that could impact their neighborhoods for decades. While California already outlaws local government entities from entering into any new immigration detention contracts with private prison corporations and also mandates that localities provide public notice when considering permits for detention facilities, AB1801 addresses critical loopholes to ensure that local communities have meaningful notice with enough time to have their voices heard.

AB 1801 establishes and reinforces clearer expectations around public notice, access to documents, and opportunities for community engagement. In doing so, it champions a fundamental principle of democratic governance: that decisions affecting local communities should be made openly and with meaningful public participation.

The impact of detention facilities on local communities couldn't be greater, especially with heightened immigration enforcement and limited local resources. Private detention contracts are often 15 years or longer, and they rely heavily on local communities to operate including roads, water, and emergency services. When local governments opt to approve these centers, they force constituents to share their valuable resources. It is incumbent on the state to fortify

any avenues where constituents can voice their concerns and strengthen government transparency and information access.

REGISTERED SUPPORT / OPPOSITION:

Support

The Immigrant Legal Resource Center (sponsor)
ACLU California Action
All of Us or None
Buen Vecino
California Immigrant Policy Center
Community Legal Services in East Palo Alto
Disability Rights California
Freedom for Immigrants
Imperial Valley Equity & Justice Coalition
Justice2jobs Coalition
LA Defensa
Law Foundation of Silicon Valley
Legal Services for Prisoners With Children
Moreno Institute
New Light Wellness
Oakland Privacy
Orange County Equity Coalition
Orange County Justice Fund
Orange County Rapid Response Network
Pangea Legal Services
San Diego Immigrant Rights Consortium
Secure Justice
Services, Immigrant Rights and Education Network (SIREN)
South Bay People Power
Western Center on Law & Poverty, INC.
6 individuals

Opposition

None on file

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