

ASSEMBLY THIRD READING

AB 1801 (Lee)

As Amended April 09, 2026

Majority vote

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.

Major Provisions

- 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.

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.

This bill seeks to clarify 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 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 also requires 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 requires 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).

According to the Author

AB 1801 is essential to ensuring transparency, accountability, and meaningful public engagement in decisions that can shape communities for decades. Too often, major detention facility decisions have occurred with little public awareness or input. This bill closes loopholes that allow local agencies to circumvent meaningful community engagement by requiring that public notice be provided a full 180 days before any approval, ensuring hearings are properly spaced and noticed, and clarifying that all contracts and agreements related to detention facilities are subject to these transparency requirements.

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.

Arguments in Opposition

None on file

FISCAL COMMENTS

None

VOTES**ASM JUDICIARY: 9-3-0**

YES: Kalra, Lee, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Macedo, Dixon, Sanchez

UPDATED

VERSION: April 09, 2026

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