

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1801 (Lee)
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Fiscal: No
Urgency: No
ID

SUBJECT

Public agencies: approval: detention facilities

DIGEST

This bill clarifies the process by which a city, county, city and county, or public agency thereof must provide public notice and public opportunity to be heard before the public entity can execute or approve various documents or permits for the building or reuse of an existing building by a private corporation, contractor, or vendor to house or detain persons for civil immigration custody.

EXECUTIVE SUMMARY

California law prohibits a city, county, city and county, or public agency from approving or signing a deed, instrument, or other document related to the conveyance of land or the issuance of a permit for the building or reuse of existing buildings by any private corporation, contractor, or vendor to house or detain noncitizens for civil immigration proceedings unless the city, county, city and county, or public agency has provided public notice of the proposed action at least 180 days before execution of the action and has held at least two public meetings regarding the proposed action. However, the actions of the city of McFarland and recent openings of two new detention centers in California have highlighted loopholes and shortcomings with these requirements. In order to ensure greater transparency and public involvement in such decisions, AB 1801 recasts these public notices requirements to specify that the public notice must be provided at least 180 days before the execution or approval of the proposed action, that public notice must be provided through a variety of means and must include specified content, that the first public hearing must be heard at least 30 days after the public notice, and that the second public hearing must be held at least 30 days after the first hearing. AB 1801 is sponsored by the Immigrant Legal Resource Center, and is supported by a large number of nonprofits and immigrant rights groups. The Committee has received no timely letters of opposition. If it passes this Committee, AB 1801 will next be referred to the Senate Local Government Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Prohibits state law enforcement agencies from using agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, place peace officers under the supervision of federal agencies, use immigration authorities as interpreters for law enforcement matters, transfer an individual to immigration authorities unless authorized by a judicial warrant, provide office space exclusively dedicated to immigration authorities, and contract with the federal government for the use of law enforcement agency facilities to house individuals as federal detainees for the purposes of civil immigration custody, as specified. (Gov. Code § 7284.6.)
- 2) Requires a private detention facility responsible for the custody and control of a prisoner or civil detainee to comply with various requirements, including:
 - a) All appropriate state and local building, zoning, health, safety, and fire statutes, ordinances, and regulations, and with the minimum jail standards, as specified;
 - b) That it select and train personnel in accordance with selection and training requirements adopted by the Board of State and Community Corrections; and
 - c) That it maintain insurance coverages, as specified. (Pen. Code § 9506.)
- 3) Requires a private detention facility to comply with and adhere to the detention standards of care and confinement agreed upon in the facility's contract for operations, and permits an individual injured by a tortious action of an operator of a private detention facility to bring a civil action for relief when the operator commits a tortious action that fails to comply with the detention standards of care and confinement. Permits such an individual to recover their reasonable attorney's fees and costs, in the court's discretion. (Gov. Code § 7320.)
- 4) 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 entering, on or after January 1, 2019, 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 purposes of civil immigration custody, and 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 civil immigration custody, from 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 noncitizens for civil immigration custody. (Civ. Code § 1670.9.)

- 5) Prohibits a city, county, city and county, or public agency from, on or after January 1, 2018, approving or signing a deed, instrument, or other document related to a conveyance of land, or from issuing a permit for the building or reuse of existing buildings by a private corporation, contractor, or vendor to house or detain noncitizens for civil immigration proceedings, unless the city, county, city and county, or public agency has:
 - a) Provided notice to the public of the proposed conveyance or permitting action at least 180 days before the execution of the conveyance or permit; and
 - b) Solicited and heard public comments on the proposed conveyance or permit action in at least two separate meetings open to the public. (Civ. Code § 1670.9(d).
- 6) Specifies, for its purposes, a “notice of a public hearing” means a notice that includes the date, time, and place of a public hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, and a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing. (Gov. Code § 65094.)

This bill:

- 1) Clarifies that a city, county, city and county, or public agency thereof, including any board or commission, shall not approve or execute a deed or instrument, or other document related to the conveyance of land, permit or modification of a permit, or any other document significant to the public entity’s approval, regardless of whether authority to issue the approval lies with the legislative body, advisory body thereto, or administrative staff.
- 2) Clarifies that the required 180-day notice to the public of the proposed action related to the building or reuse of a building for civil immigration custody must be provided before approval or execution of the proposed action, and that the notice must:
 - a) Comply with Government Code section 65094;
 - b) Be dated and posted on the applicable public entity’s website;
 - c) Be physically posted at the public entity’s headquarters;
 - d) Be published in at least one local newspaper of general circulation within the jurisdiction, or if there is no such newspaper, posted in at least three public places within the jurisdiction;
 - e) Broadcast weekly over local radio stations in the top five languages spoken in the applicable jurisdiction for the duration of the 180-day notice period;
 - f) Be provided in the top five languages spoken in the applicable jurisdiction; and

- g) Include access to any documents related to the proposed action, including but not limited to, any related applications or reports.
- 3) Requires the city, county, city and county, or the public agency thereof to promptly provide access to any documents related to the proposed action, at a minimum in hard copy format at its physical headquarters during business hours and in electronic format on its internet website, upon request and subject to the exemptions from disclosure specified in California Public Records Act.
- 4) Requires the city, county, city and county, or public agency thereof to solicit and hear public comments on any of the proposed actions in at least two separate meetings open to the public, and requires that the first meeting be held at least 30 business days after the 180-day public notice, and the second hearing at least 30 days after the first hearing. 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.
- 5) Requires each public meeting to be noticed pursuant to Government Code section 65090, and to be clearly noticed as a stand-alone item on a meeting agenda pursuant to Government Code sections related to the meetings of cities, counties, and other agencies.
- 6) Specifies that these requirements apply 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

1. Author's statement

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.

2. Private detention facilities in the United States

The federal government, primarily through the Immigration and Customs Enforcement agency (ICE), enforces federal immigration laws in the interior of the country by placing individuals suspected of being deportable into deportation proceedings, carrying out expedited removals in certain circumstances, or executing outstanding deportation orders.¹ When someone is arrested by ICE for immigration enforcement, they may be detained to await adjudication of their deportation case or the effectuation of their deportation. Any person in the United States who is not a citizen has some level of risk that they could be deported from the United States, and individuals of all varieties of immigration status, from lawful permanent residents to those who are applying for asylum or who are undocumented, may be detained pending adjudication of their cases or a charge of deportability. Most individuals detained can request a hearing regarding their release on bond. Immigration detention is considered civil and non-punitive.² Nonetheless, ICE detains many immigrants for months or even years, often subjecting them to harsh conditions of confinement.

Almost all immigration detention centers in the United States, and all detention centers currently operating in California, are owned and operated by private companies that contract with the federal government to provide immigration detention. While private detention centers are required to meet a variety of health and safety standards set by ICE, they regularly fail to meet those standards and are plagued by reports of unsafe and inhumane conditions.³ These include reports of inadequate medical care, a lack of access to safe drinking water, inedible or spoiled food, the use of solitary confinement and extreme temperatures or 24-hour overhead lighting, poor and unsanitary amenities, overcrowding, and harassment and abuse.⁴ The Attorney General's 2025 report on the conditions of confinement in private detention facilities in the state found deficiencies in

¹ Deportation proceedings are administrative proceedings that are adjudicated by an immigration judge, who must make the determination of whether the non-citizen respondent is deportable, and whether they qualify for relief from deportation, like asylum. Expedited removal is a process by which an immigration officer, not an immigration judge, may remove an individual from the United States without a hearing on their deportability. While expedited removal has historically been limited to narrow circumstances where an individual is apprehended close to the border, the Trump Administration has significantly expanded the circumstances to which it applies, despite significant due process and other constitutional concerns with the practice. (See, The Forum, "Expanded expedited removal and challenges to due process" (Jun. 23, 2025), <https://forumtogether.org/article/expanded-expedited-removal-and-challenges-to-due-process/>).

² *Zadvydas v. Davis* (2001) 533 U.S. 678, 690.

³ Akash Pillai et al., "Health issues for immigrants in detention centers," Kaiser Family Foundation (Sept. 30, 2025), <https://www.kff.org/racial-equity-and-health-policy/health-issues-for-immigrants-in-detention-centers>.

⁴ *Id.*; Disability Rights California, "Newly Opened California City ICE Detention Facility: Dangerous for Disabled People" (Nov. 3, 2025) <https://www.disabilityrightsca.org/reports/california-city-ice-processing-center-a-dangerous-expansion-of-immigration-detention-in>; Muzaffar Chisti & Valerie Lacarte, "U.S. detention grows to record heights under Trump Administration," Migration Policy Institute (Oct. 29, 2025) <https://www.migrationpolicy.org/article/trump-immigrant-detention>.

suicide prevention practices, excessive use of force, poor mental health care, due process issues, and multiple violations of ICE detention standards at all of the immigration detention centers in the state.⁵ In addition, there are numerous deaths in ICE custody every year; in the past year, 46 individuals have died in ICE custody or detention across the United States, the highest number in over two decades.⁶

3. Recent California law requires local jurisdictions to provide notice to the public and an opportunity to provide comments regarding any proposed detention facility

Given state and local concerns regarding private detention facilities, the Legislature enacted SB 29 (Lara, Ch. 494, Stats. 2017). SB 29 prohibits a city, a county, or a local law enforcement agency from entering into a contract to detain individuals for immigration enforcement. It also prohibits a city or county or public agency from approving or signing a deed or issuing a permit for the construction of or use of an existing building for private immigration detention facilities, unless the city, county, or agency has provided notice to the public at least 180 days before execution of the action, and has solicited and heard public comments about the proposed action in at least two separate public meetings. (Civ. Code § 1670.9(d).)

In late 2019, the private detention facility company GEO Group applied to the city of McFarland for an operational use permit for the Golden State Annex and Central Valley detention facilities in McFarland. The Planning Commission for McFarland initially provided public notice of the application for a permit on January 10, 2020, and held two hearings on the proposal in January and mid-February. At the Commission's February meeting, the Commission denied the permit application. However, GEO Group appealed to the City Council, which ultimately held a hearing on April 23, 2020 regarding the proposal, at which the City Council approved the permit, to be effective July 15, 180 days after the public notice.

A number of organizations and the California Attorney General sued the city of McFarland regarding this approval, claiming that it failed to comply with SB 29's requirements because the Planning Commission's hearings were early in the 180-day period and because the City Council, which was the body that ultimately approved the permits, only held one hearing. Moreover, the City Council approved the permits, but dated the effectiveness of that approval to be after the 180-day period to comply with SB 29, even though the permits were actually approved well before the 180-day period

⁵ Office of the Attorney General, *2025 Report: Immigration Detention in California*, Dept. of Justice (Apr. 2025), available at <https://oag.ca.gov/news/press-releases/attorney-general-bonta-sounds-alarm-releases-fourth-immigration-detention>.

⁶ Akash Pillai et al., "Deaths and health care issues in ICE detention centers under the second Trump Administration," Kaiser Family Foundation (Mar. 25, 2026), <https://www.kff.org/racial-equity-and-health-policy/deaths-and-health-care-issues-in-ice-detention-centers-under-the-second-trump-administration/>.

ran. This essentially limited the public's involvement in the approval process, in contravention of SB 29.

However, while the trial court issued a temporary restraining order and preliminary injunction finding that the city likely violated SB 29's requirements, the Ninth Circuit reversed, finding that the process the city took and its approval before the 180-day period ran did comply with the requirements of SB 29. (*Immigrant Legal Resources Ctr. v. City of McFarland* (2020) 472 F. Supp. 3d 779; *Immigrant Legal Resources Ctr. v. City of McFarland* (2020) 827 Fed. Appx. 749.) After the decision, GEO Group moved forward with opening the Golden State Annex.

4. Cities and local agencies have not complied with these notice and hearing requirements for recent private detention facilities

The Trump Administration has substantially increased immigration detention in the past year as part of its goal of drastically increasing deportations and removals. It has asserted the power to detain virtually all immigrants indefinitely without review, despite the majority of courts repeatedly rejecting this assertion of authority.⁷ This has resulted in an increasing number of individuals being detained for immigration enforcement, and for longer periods of time. As of February 2026, 68,289 individuals were in immigration detention, a 65 percent increase from February of last year.⁸ In California, there are 6,459 individuals currently being detained in immigration detention facilities.⁹

To accomplish its goals of mass deportation, the administration has swiftly increased its detention capacity throughout the country - and the state. Prior to 2025, there were six detention centers in California: the Golden State Annex; Mesa Verde ICE processing center; Adelanto ICE processing center; Desert View Annex; Otay Mesa Detention Center; and the Imperial Regional Detention Facility. In August of 2025, CoreCivic, a company that operates private detention facilities across the country, opened a seventh detention facility in California: the California City Detention Center. The California City Detention Center was opened at the site of a closed prison, and has a capacity of up to 2,560 detainees. Almost immediately, the center was subject to controversy. Inmates within the California City Detention Center sued over inhumane conditions of confinement, and local officials claimed that the center opened without obtaining the

⁷ Kyle Cheney, "Our running list of judges who have ruled on ICE's mass detention policy," Politico (Feb. 18, 2026) https://www.politico.com/news/2026/02/18/trump-judges-immigration-detention-00784614?sp_pass_consent=true.

⁸ TRAC Immigration, "ICE Detainees," TRAC Reports (accessed Mar. 30, 2026) https://tracreports.org/immigration/detentionstats/pop_agen_table.html.

⁹ *Id.*

proper local permits or business license required by state law.¹⁰ Reports indicate that the California City Detention Center has yet to receive a business license to operate the facility, which failed a fire inspection in July.¹¹ Immigrant rights advocates also say the facility was opened without complying with the notice and hearing requirements of SB 29.

Even more recently, an eighth private detention facility, the Central Valley Annex, was quietly opened next to the Golden State Annex in McFarland.¹² This facility is also operated by GEO Group, and provides a 700-bed capacity in a former state prison. According to reports, it is unclear whether GEO Group obtained the appropriate permits for this new detention center as well, and advocates claim no public hearings were held before the facility opened.¹³

5. AB 1801 clarifies the procedures a local jurisdiction must take before approving or issuing permits for a new private detention facility

AB 1801 aims to ensure greater public input regarding private detention facilities, closing loopholes that the case of the Golden State Annex in McFarland and other recent examples have illuminated. It does so by clarifying that a public agency of a city or county, including any board, commission, or agency, may not approve or execute a deed or instrument or other document, a permit or modification of a permit, or any other document signifying the public entity's approval, regardless of whether the entity has the authority to issue the approval.

AB 1801 also specifies that public notice must take place at least 180 days before approval of the proposed action, not just the execution of the proposed action. It requires that this notice: be dated and posted on the public entity's website; be physically posted at the entity's headquarters; published in a least one local newspaper of general circulation, or if no such newspaper exists, posted in at least three public places within the jurisdiction; and broadcast weekly over local radio stations in the top five languages spoken in the applicable jurisdiction. The notice must include access to any documents related to the proposed action, including any applications or reports, and must include the date, time, and place of the public hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, and a general description, in text or by diagram, of the location of any real property that is the

¹⁰ Niguel Duara and Cayla Mihalovich, "ICE opened a detention center in a former California prison. Detainees are suing over conditions inside," CalMatters (Nov. 13, 2025), <https://calmatters.org/justice/2025/11/ice-california-city-detainee-lawsuit/>.

¹¹ Tyler Hendricks, "California's newest immigration facility is also its biggest. Is it operating legally?" KQED (Sept. 4, 2025), <https://www.kqed.org/news/12054544/californias-newest-immigration-facility-is-also-its-biggest-is-it-operating-legally>.

¹² Wendy Fry, "ICE quietly opens another detention center in a former California prison," CalMatters (Apr. 23, 2026), <https://calmatters.org/justice/2026/04/new-ice-detention-center-mcfarland/>.

¹³ *Id.*

subject of the hearing. Upon request, AB 1801 requires the city, county, or public agency to promptly provide access to any documents related to the proposed action.

For the required hearings, AB 1801 would require that the hearings be noticed for the public as specified, and requires each public comment opportunity be clearly noticed as a stand-alone item on the meeting agenda. AB 1801 requires that the first meeting be held at least 30 business days after the notice of the proposed action, and the second hearing to be held at least 30 days after the second hearing. Translation for public comment must be provided in the most widely spoken language other than English in the jurisdiction. Lastly, AB 1801 specifies that these requirements apply independently to a city, county, and any public agency thereof.

AB 1801 would ensure that the city or local jurisdiction provide actual public notice of the proposed action, ensure that this notice includes notice in common languages other than English, and ensure that the required hearings be held over at least two months after notice of the proposed action. Moreover, AB 1801 would clarify that its 180-day notice requirement is not just to the execution of such an action, but also to its approval by the governing body, and that its requirements apply to each governing body that considers the proposed action. Thus, these requirements are aimed at ensuring greater public participation and awareness of proposed private detention facilities, and aim to avoid the less-than-transparent process that occurred with the city of McFarland.

6. Considerations

While no appellate court has ruled on the constitutionality of Civil Code section 1670.9(d), the issue was addressed by the U.S. District Court in the case challenging the City of McFarland's approval of the Golden State Annex. There, the respondent GEO Group countered the petitioner's claims by arguing that Civil Code section 1670.9(d) was unconstitutional under the intergovernmental immunities doctrine because it discriminated against and directly regulated the federal government. However, the court ruled for the petitioners and found that the government had not shown that Civil Code section 1670.9(d) violated the intergovernmental immunities doctrine. (*Immigrant Legal Resources Center v. City of McFarland* (2020) 478 F. Supp. 3d 988, 1003.) When the Ninth Circuit reversed the district court's decision, it did so only on the basis that McFarland had actually complied with the requirements of Civil Code section 1670.9(d). Additionally, zoning and health and safety regulations are an area of traditional state police powers.¹⁴ A state's regulations within an area of historic state police powers are presumed to not be preempted by federal law unless that was the clear and manifest purpose of Congress.¹⁵ Additionally, AB 1801, in amending Civil Code section 1670.9, does not regulate the federal government or its contractors. Instead, it places requirements upon local authorities and agencies in their exercise of their traditional

¹⁴ *La. E. Coast Ry. Co. v. City of W. Palm Beach* (2001) 266 F.3d 1324,1329.

¹⁵ *Knox v. Brnovich* (2018) 907 F.3d 1167, 1174.

police powers regarding the permitting and local approval of detention facilities. Thus, it is unlikely that AB 1801 would be found unconstitutional should it be challenged.

SUPPORT

Immigrant Legal Resource Center (sponsor)
ACLU California Action
Buen Vecino
California Immigrant Policy Center
Center for Human Rights and Constitutional Law
Centro Binacional Para El Desarrollo Indigena Oaxaqueño (CBDIO)
Chinese for Affirmative Action
Community Legal Services in East Palo Alto
Disability Rights California
Empowering Marginalized Asian Communities
Freedom for Immigrants
Inland Coalition for Immigrant Justice
Inland Empire Immigrant Youth Collective
Jakara Movement
Law Foundation of Silicon Valley
Oakland Privacy
Orange County Rapid Response Network
Services, Immigrant Rights and Education Network (SIREN)
Souls Offering Loving and Compassionate Ears Solace
South Bay People Power
Southeast Asia Resource Action Center
Western Center on Law & Poverty, Inc.

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation:

SB 1367 (Cervantes, 2026) prohibits a city or county from approving new land uses or changes of use that permit a detention facility, as specified. SB 1367 is currently pending in the Assembly Local Government Committee.

SB 995 (Pérez, 2026) creates the Involuntary Residential Facilities Health and Safety Act of 2026 to authorize the Office of the State Fire Marshall, the State Department of Public Health, the State Water Resources Control Board, and the Department of Industrial Relations to conduct periodic inspections of an involuntary residential facility, as

defined, in order to evaluate compliance with applicable health, safety, building, environmental, and labor standards, and requires the operator of an involuntary residential facility to provide reasonable access to an inspecting agency, maintain records demonstrating compliance, submit reports to the inspecting agencies, and to correct any violations. SB 995 also provides a civil penalty for a violation of these provisions. SB 995 is currently pending referral in the Assembly.

SB 942 (Caballero, 2026) requires all civil confinement facilities in the state to register with the Department of Public Health, if not already licensed, certified, designated, or approved under state law or local ordinance, and requires enforcing agencies to conduct regular inspections and enforcement of applicable health and safety laws and regulations, standards of care and confinement, and approved facility policies and procedures, as specified. SB 942 is currently pending referral in the Assembly.

SB 941 (Padilla, 2026) prohibits a commissary in a private detention facility from selling an article at a 35 percent or greater markup above the amount paid to a vendor for the article. SB 941 is currently pending before the Assembly Public Safety Committee.

Prior Legislation:

SB 1132 (Durazo, Ch. 183, Stats. 2024) authorized county health officials to inspect private detention facilities in order to evaluate health and safety conditions.

AB 3228 (Bonta, Ch. 190, Stats. 2019) required private detention facilities in the state to comply with and adhere to the detention standards of care and confinement agreed to in the facility's contract for operations, and permitted individuals injured by a private detention facility's failure to comply with these standards of care to bring a civil action.

AB 32 (Bonta, Ch. 739, Stats. 2019) prohibited, on or after January 1, 2020, the Department of Corrections and Rehabilitation from entering into or renewing a contract with a private, for-profit prison to incarcerate state prison inmates, and prohibited any person from operating a private detention facility in the state. AB 32's prohibition on private detention facilities was subsequently struck down as unconstitutional.

SB 54 (De Leon, Ch. 495, Stats. 2017) prohibited state and local law enforcement agencies from using money or personnel to investigate, interrogate, detain, detect, or arrest individuals for immigration enforcement purposes, among other provisions.

SB 29 (Lara, Ch. 494, Stats. 2017) prohibited a city, county, city and county, or a local law enforcement agency from entering into a contract to detain noncitizens for immigration custody, and prohibited a city or county from approving or signing a deed or other document to convey land or issue a permit for the construction or reuse of a building to house or detain noncitizens for immigration proceedings unless it has

provided specified notice to the public and solicited and heard public comments regarding the proposed detention facility.

AB 103 (Committee on Budget, Ch. 17, Stats. 2017) required the Attorney General to review and report on the conditions of confinement, standard of care, and due process rights in immigration detention facilities in the state.

PRIOR VOTES:

Assembly Floor (Ayes 54, Noes 17)
Assembly Judiciary Committee (Ayes 9, Noes 3)
