
THIRD READING

Bill No: AB 1801
Author: Lee (D)
Amended: 4/9/26 in Assembly
Vote: 21

SENATE JUDICIARY COMMITTEE: 10-2, 6/9/26

AYES: Umberg, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Wahab, Weber
Pierson, Wiener

NOES: Niello, Valladares

NO VOTE RECORDED: Stern

SENATE LOCAL GOVERNMENT COMMITTEE: 5-1, 7/1/26

AYES: Durazo, Arreguín, Ashby, Cervantes, Laird

NOES: Seyarto

NO VOTE RECORDED: Choi

ASSEMBLY FLOOR: 54-17, 4/16/26 - See last page for vote

SUBJECT: Public agencies: approval: detention facilities

SOURCE: Immigrant Legal Resource Center

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.

ANALYSIS:

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. (Government [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. (Penal [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. (Civil [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 Gov. 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 Gov. Code section § 65090, and to be clearly noticed as a stand-alone item on a meeting agenda pursuant to Gov. Code sections related to the meetings of cities, counties, and other agencies.
- 6) Specifies that these requirements apply to a charter city and 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.

- 7) Makes various findings and declarations that ensuring public input in the potential approval of private detention centers is a matter of statewide concern, and thus that it applies to all cities, including charter cities.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 7/29/26)

Immigrant Legal Resource Center (source)
ACLU California Action
Buen Vecino
California Immigrant Policy Center
California Rural Legal Assistance Foundation
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: (Verified 7/29/26)

None received

ARGUMENTS IN SUPPORT:

According to the Immigrant Legal Resources Center, which is the source of AB 1801:

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, AB 1801 addresses crucial 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.

ASSEMBLY FLOOR: 54-17, 4/16/26

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Boerner, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Alanis, Castillo, Chen, Davies, DeMaio, Ellis, Jeff Gonzalez, Hadwick, Hoover, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis

NO VOTE RECORDED: Arambula, Berman, Bonta, Dixon, Flora, Gallagher, Harabedian, Hart, Celeste Rodriguez

Prepared by: Ian Dougherty / JUD. / (916) 651-4113
8/3/26 17:24:32

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