

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 1367 (Cervantes) – As Amended April 16, 2026

Policy Committee: Local Government

Vote: 8 - 2

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

This bill prohibits a city, including a charter city, or a county from approving a new land use that authorizes construction of a detention facility or a change of use that allows use of an existing building as a detention facility.

The bill defines “detention facility” as any structure, whether temporary or permanent, operated by a private entity on behalf of a governmental entity for the temporary holding of persons charged with a criminal offense or detained for civil or administrative purposes.

FISCAL EFFECT:

No state costs. Potential one-time costs to cities and counties of an unknown but likely minor amount to revise policies and procedures to prohibit new or changed land uses that allow for a new private detention facility. These costs, if any, are not reimbursable by the state because local agencies have general authority to charge and adjust planning and permitting fees to cover these activities.

COMMENTS:

1) **Purpose.** According to the author:

The goal of [this bill] is to protect California residents from the rapid expansion of private detention facilities, particularly those not designed for long-term human habitation. Facilities that are unsuitable for holding people, whether for short or long periods, can strain local infrastructure and pose serious risks to the well-being of detainees.

2) **Background.** The Planning and Zoning Law requires every county and city to adopt a general plan that sets out planned uses for the area covered by the plan. Cities and counties’ major land use decisions, including most zoning ordinances and other aspects of development permitting, must be consistent with their general plans. Local governments enact zoning ordinances that, among other things, designate the particular uses allowed within the community. These ordinances may also include conditions on development to address community or environmental impacts, or other particular site-specific considerations. Local governments have broad authority to define the specific approval processes needed to satisfy these considerations. Most new land uses require “discretionary” approvals from local governments, such as a conditional use permit or a change in zoning laws.

This bill prohibits cities and counties from approving new land uses that allow the construction of detention facilities or permit the conversion of existing buildings into such facilities. The bill defines “detention facility” to include the temporary holding of persons detained for civil or administrative purposes. Because immigration violations are generally civil offenses, this bill restricts new construction or expansion of privately-owned facilities that detain immigrants on behalf of the federal government.

Currently, the federal government contracts with seven private detention facilities operating in California in the counties of San Bernardino, Kern, San Diego, and Imperial. This bill does not prohibit operation of detention facilities. Rather, the bill restricts local government actions to approve new land uses or changes of use that allow for new private detention facilities. Facilities currently in operation in the state may continue in existence, and the federal government may continue to contract with those facilities.

- 3) **Arguments in Support.** This bill is supported by the ACLU California Action as well as the Inland Coalition for Immigrant Justice, Freedom for Immigrants, and other immigrant rights groups who collectively assert:

The urgency of [this bill] is underscored by the well-documented, inhumane conditions that persist across the immigration detention system. According to Detention Watch Network, more than 68,000 people are currently detained in ICE custody, driven by rapid expansion of detention infrastructure. This growth has directly worsened conditions inside facilities, where advocates and detained individuals consistently report overcrowding, medical neglect, lack of adequate food, and unsafe living conditions.

ICE increasingly relies on private contractors. The Trump administration has spent over \$500 million in new contracts with warehouses across the country. Beyond warehouse-style facilities, immigration detention has increasingly expanded onto a wide range of privately owned properties across California and the United States. Federal contracts with for-profit prison corporations have enabled the use of former prisons, county jails under private management, rural compounds, and even retrofitted commercial or industrial sites for immigration detention purposes.

[This bill] closes a dangerous loophole that allows ICE and its contractors to repurpose private lands and facilities for detention. In regions where warehouse development is rapidly expanding—this bill is essential to prevent the further entrenchment of a detention system that has already caused profound harm in communities where detention centers are located.

- 4) **Arguments in Opposition.** This bill is opposed by the Riverside County Sheriff’s Office who asserts:

[This bill] undermines local control over public safety infrastructure. Riverside County is one of the largest geographic counties in California, with unique operational demands driven by population growth, regional

geography, and custody needs. Decisions regarding the placement, expansion, or modification of detention facilities require direct coordination with local law enforcement, county planning authorities, and community stakeholders. Removing the county's ability to approve or adapt facilities based on local conditions will hinder the Sheriff's Office's ability to safely and effectively manage its custodial responsibilities.

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