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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair  
2025 - 2026 Regular Session

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### SB 1399 (Durazo) - Locked detention facilities: civil immigration: reviews

**Version:** March 23, 2026

**Urgency:** No

**Hearing Date:** April 20, 2026

**Policy Vote:** JUD. 10 - 0

**Mandate:** No

**Consultant:** Bob Franzoia

**Bill Summary:** SB 1399 would remove the July 1, 2027 statutory sunset permitting the Attorney General to engage in reviews of local, county or private locked detention facilities in which noncitizens are housed for immigration purposes in the state.

**Fiscal Impact:** Estimated \$1 million annually to continue Department of Justice (DOJ) reviews of detention facilities. Unknown, increasing costs to the extent federal immigration enforcement actions are resulting in more incarcerations of noncitizens. The order and number of facilities reviewed shall be determined by DOJ (General Fund).

**Background:** State law provides for the inspection of all state, local, and private facilities used to detain individuals. The Bureau of State and Community Corrections (BSCC) inspects local detention facilities on at least a biannual basis. The Attorney General engages in reviews of county, local, or private locked detention facilities in which noncitizens are being housed or detained for purposes of civil immigration proceedings in California, including such facilities where accompanied or unaccompanied minors are housed or detained on behalf of, or pursuant to a contract with, the Office of Refugee Resettlement or Immigration and Customs Enforcement. County health officers investigate health and sanitary conditions in county jails, publicly operated detention facilities in the county (which can include immigration detention centers), and private work furlough facilities in the county at least annually, as well as at the request of the sheriff, chief of police, local legislative body, or BSCC.

The Attorney General's obligation to inspect civil immigration detention facilities does not require the Attorney General to conduct inspections on a particular timeline. The statute includes a one-time requirement that the Attorney General conduct inspections and issue a public report on or before March 1, 2019, but there is no further formal reporting requirement. In 2019, the United States Court of Appeals for the Ninth Circuit declined to enjoin the Attorney General's inspection authority as unconstitutional, except for one minor provision in the statute that will be removed by this bill, the United States Supreme Court declined to review that holding. The statute was also amended nonsubstantively in 2021 to remove gendered language. The Attorney General's inspection authority is currently set to end on July 1, 2027, and the statute will be repealed on January 1, 2028.

Government Code 12532, which established the Attorney General's inspection program, was implemented by AB 103 (Ting), Chapter 17, Statutes of 2017, a public safety omnibus trailer bill.

**Staff Comments:** SB 1399 (Durazo) would remove the July 1, 2027 statutory sunset permitting the Attorney General to engage in reviews of local, county or private locked detention facilities in which noncitizens are housed for immigration purposes in the state. Removing a sunset makes a program and any funding obligations permanent.