
THIRD READING

Bill No: SB 1399
Author: Durazo (D), et al.
Amended: 5/18/26
Vote: 21

SENATE JUDICIARY COMMITTEE: 10-0, 4/7/26
AYES: Umberg, Allen, Ashby, Caballero, Durazo, Reyes, Stern, Wahab, Weber
Pierson, Wiener
NO VOTE RECORDED: Niello, Laird, Valladares

SUBJECT: Locked detention facilities: civil immigration: reviews

SOURCE: Attorney General Rob Bonta
Immigrant Defense Advocates

DIGEST: This bill removes the July 1, 2027, sunset date from the statute 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 California.

Senate Floor Amendments of 5/18/26 add a co-author and make nonsubstantive grammatical changes.

ANALYSIS:

Existing law:

- 1) Requires the Attorney General or their designee, until July 1, 2027, to engage 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 any county, local, or private locked detention facility in which an accompanied or unaccompanied minor is housed or detained on behalf of, or pursuant to a contract with, the federal Office of Refugee Resettlement (ORR) or the United States Immigration and Customs Enforcement (ICE).

- a) The order and number of facilities to be reviewed shall be determined by the Department of Justice (DOJ).
 - b) The Attorney General or their designee shall have authority over which facilities may be reviewed and when.
 - c) The DOJ shall provide, during the budget process, updates and information to the Legislature and the Governor, including a written summary of findings, if appropriate, regarding the progress of these reviews and any relevant findings. (Government Code (GOV) § 12532(a).)
- 2) Required the Attorney General or their designee, on or before March 1, 2019, to conduct a review of county, local, or private locked detention facilities listed above in 1), with the DOJ determining the order and number of facilities to be determined by the DOJ.
- a) The review must have included (1) a review of the conditions of confinement, and (2) a review of the standard of care and due process provided to the individuals housed or detained in the facilities.¹
 - b) The Attorney General or their designee must have provided, on or before March 1, 2019, a comprehensive report of their findings to the Legislature and the Governor, and made that report publicly available, as specified. (GOV § 12532(b).)
- 3) Provides that the Attorney General or their designee shall be provided all necessary access for the observations necessary to effectuate the reviews in 1) and 2), including, but not limited to, access to detainees, officials, personnel, and records. (GOV § 12532(c).)
- 4) Provides that 1)-3) shall become inoperative on July 1, 2027, and shall be repealed on January 1, 2028. (GOV § 12532(d).)

¹ The statute currently lists a third required element for the review, “[a] review of the circumstances around [the detainees’] apprehension and transfer to the facility.” (Gov. Code, § 12532(b)(1)(C).) This provision was enjoined by the United States Court of Appeal for the Ninth Circuit in 2019 as unconstitutional under the doctrine of intergovernmental immunity. (*See United States v. California* (2019) 921 F.3d 865, 885, *cert. denied* (2020) 590 U.S. 1015.) This bill, among other things, removes the enjoined element from the law.

This bill:

- 1) Removes the July 1, 2027, sunset on the provisions requiring the Attorney General or their designee to review and report on county, local, or private locked detention facilities in which noncitizens are being housed or detained.
- 2) Deletes a provision of the statute that was enjoined by the United States Court of Appeals for the Ninth Circuit.
- 3) Makes nonsubstantive technical and conforming changes.

Comments

Current law provides for the inspection and review of detention facilities in the state and allocates responsibility for those reviews to a variety of agencies. The Bureau of Corrections reviews state, local, and private detention facilities; county health officials investigate local and county facilities for health and safety purposes; and the Attorney General, until July 1, 2027, is authorized to conduct reviews of local, county, or private locked detention facilities in which noncitizens are housed for immigration purposes in California. Any such review by the Attorney General must include a review of the conditions of confinement and the standard of care and due process provided to the individuals detained for immigration purposes.

This bill removes the July 1, 2027, sunset date on the Attorney General's authorization to review detention facilities in which people are detained for immigration purposes. Additionally, this bill removes a provision of the existing statute that was enjoined in a federal lawsuit,² so that the statute in print reflects the current state of the law, and makes nonsubstantive conforming changes.

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

According to the Senate Committee on Appropriations, the bill presents a fiscal impact of 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).

² See *United States v. California* (2019) 921 F.3d 865, 885, *cert. denied* (2020) 590 U.S. 1015 (enjoining subparagraph (C) of paragraph (1) of subdivision (b) of Section 12532 of the Government Code).

SUPPORT: (Verified 5/18/26)

Attorney General Rob Bonta (co-source)
Immigrant Defense Advocates (co-source)
Acacia Center for Justice
California Collaborative for Immigrant Justice
California Immigrant Policy Center
Center for Gender & Refugee Studies-California
Central American Resource Center of California
Central Valley Immigrant Integration Collaborative
Centro Binacional Para el Desarrollo Indígena Oaxaqueño
City of Soledad
Immigrant Legal Defense
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Oasis Legal Services
Open Immigration Legal Services
Public Counsel
South Asian Network
UnidosUS
Vital Immigrant Defense Advocacy and Services
Werner-Kohnstamm Family Giving Fund

OPPOSITION: (Verified 5/18/26)

None received

ARGUMENTS IN SUPPORT: According to Attorney General Rob Bonta:

California's existing detention-facility review framework, established under AB 103 (2017), requires the California Department of Justice (Cal DOJ) to report on conditions of confinement as well as the standard of care and due process provided to detained individuals through July 1, 2027. SB 1399 removes the sunset provision in AB 103 (2017) and sustains Cal DOJ's reporting requirement, so these critical reports continue beyond 2027.

Since AB 103 took effect, the Cal DOJ has published four reports on conditions at California facilities, including Adelanto, finding substandard conditions in a number of areas that fail to meet ICE's own detention standards.

Attorney General Bonta is committed to providing members of the public and policymakers with critical information about the conditions that people in civil

immigration detention in California are subjected to, and as such is proud to sponsor SB 1399.

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
5/19/26 17:12:30

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