

Date of Hearing: June 16, 2026

ASSEMBLY COMMITTEE ON JUDICIARY  
Ash Kalra, Chair  
SB 1399 (Durazo) – As Amended May 18, 2026

**SENATE VOTE:** 29-7

**SUBJECT:** LOCKED DETENTION FACILITIES: CIVIL IMMIGRATION: REVIEWS

**SYNOPSIS**

*In 2017 the Legislature granted the Attorney General (AG) oversight of private detention facilities in the state that housed noncitizens for the purpose of civil immigration proceedings. That statute, enacted via AB 103 (Committee on Public Safety) Chap. 17, Stats. 2017, required the AG to conduct reviews of those private detention facilities and specifically report on the conditions of confinement, the standard of care and due process provided to detained individuals, and the circumstances around detainees' apprehension and transfer to the private detention facility. Potentially considering the possibility of two consecutive Trump administrations, the bill included a sunset clause which repeals the statute in July 2027. Additionally, in 2019, the Ninth Circuit held that the provision requiring the AG to review the circumstances around detainees' apprehension and transfer was preempted. This bill addresses both elements by removing the sunset clause, thereby imposing the statute's oversight responsibility on the AG in perpetuity, and removing the provision deemed unconstitutional by the Ninth Circuit.*

*This bill is sponsored by the Office of Attorney General Rob Bonta and Immigrant Defense Advocates who contend the statute provides a vital tool for accountability and oversight. It is additionally supported by a number of immigrant rights and civil rights advocates, legal service providers, and local government entities. There is no known opposition.*

**SUMMARY:** Removes a sunset clause repealing the requirement that the Attorney General engage in reviews of county, local, or private locked detention facilities in California in which noncitizens are being detained for purposes of civil immigration enforcement and issue a report on their findings, and deletes a requirement that the AG's review include a review of the circumstances around their apprehension and transfer to the facility.

**EXISTING LAW:**

- 1) Requires, until July 1, 2027, the Attorney General or the Attorney General's designee 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 or the United States Immigration and Customs Enforcement. Requires the Department of Justice to determine the order and number of facilities to be reviewed, and grants the Attorney General or their designee the authority over which facilities may be reviewed and when. Requires the Department of Justice to 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 relevant findings. (Government Code Section 12532 (a). All further statutory references are to the Government Code unless otherwise specified.)

- 2) Requires the Attorney General, or their designee, on or before March 1, 2019, to conduct a review 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 or the United States Immigration and Customs Enforcement. Requires the Department of Justice to determine the order and number of facilities to be reviewed. (Section 12532 (b).)
- 3) Requires the review to include, but not be limited to, the following:
  - a) The review of the conditions of confinement, standard of care and due process provided to the individuals detained in the facilities for purposes of civil immigration proceedings;
  - b) A review of the circumstances around their apprehension and transfer to the facility. (Section 12532 (b)(1).)
- 4) Requires the Attorney General, or their designee, to provide, on or before March 1, 2019, the Legislature and the Governor with a comprehensive report outlining the findings of the review, and requires the report to be posted on the Attorney General's internet website and otherwise made available to the public upon its release to the Legislature and the Governor. Requires the Department of Justice to 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 the review and any relevant findings. (Section 12532 (b)(2).)
- 5) Requires the Attorney General, or the Attorney General's designee, to be provided all necessary access for the observations necessary to effectuate reviews required, including, but not limited to, access to detainees, officials, personnel, and records. (Section 12532 (c).)
- 6) Sunsets the section on July 1, 2027, and repeals it on January 1, 2028. (Section 12532 (d).)

**FISCAL EFFECT:** As currently in print this bill is keyed fiscal.

**COMMENTS:** As part of its response to the first Trump Administration, the Legislature approved AB 103 (Committee on Public Safety) Chap. 17, Stats. 2017, which, in part, required the Attorney General to conduct oversight and reviews of private detention facilities, including "any county, local, or private locked detention facility," in which noncitizens are being detained for purposes of civil immigration proceedings. More specifically, AB 103 required the AG to include in its review 1) a review of the conditions of confinement, 2) a review of the standard of care and due process provided to the individuals detained, and 3) a review of the circumstances around their apprehension and transfer to the facility. This requirement was enacted in addition to the previously existing responsibility for the Board of State and Community Corrections to establish minimum standards for local correctional facilities and inspect local detention facilities at least biennially. (Penal Code Sections 6030, 6031.) Additionally, the statute required the AG to provide a report to the Legislature and Governor by March 1, 2019 outlining their findings of the review.

Of additional note, Government Code Section 12532, the statute enacted via AB 103, only *required* the AG to conduct a review on or before March 1, 2019. The statute does not mandate any additional review or require that review occur on a particular timeline, instead it only requires the AG to engage in reviews until July 1, 2027, at which point the statute sunsets. The statute also required the AG to provide a report to the Governor and Legislature detailing findings of the review by March 1, 2019, but does not require any subsequent report. Despite the lack of a clear statutory mandate to do so, the California Department of Justice (DOJ) has completed nearly annual oversight and reviews of private detention facilities, and published reports in 2019, 2021, 2022, 2025, and most recently in May 2026.

In its most recent report, the DOJ found that conditions in seven private detention centers across California had worsened since its 2025 report. The report points to six deaths, four at Adelanto ICE Processing Center and two at the Imperial Regional Center, that “raise serious concerns about these facilities’ ability to safely detain a growing detainee population and highlight the need for greater accountability and oversight.” (Cal. Department of Justice, 2026 Immigration Detention in California: A Review of Conditions of Confinement (2026) Executive Summary, p. 4, available at: <https://oag.ca.gov/system/files/media/immigration-detention-2026.pdf>.)

Shortly after AB 103 was enacted, the Trump Administration challenged its provisions along with various other statutes enacted that same year, all of which sought to protect California’s immigrant communities from the federal administration’s immigration enforcement efforts. On appeal before the Ninth Circuit, the Trump administration argued that AB 103 violated the doctrine of intergovernmental immunity by impermissibly imposing a burden on the federal government. The Ninth Circuit agreed in part that “provisions that impose an additional economic burden exclusively on the federal government are invalid under the doctrine of intergovernmental immunity.” (*United States v. California* (2019) 921 F. 3d 865, 884.) The circuit court ultimately determined that the provision of AB 103 requiring the AG to conduct a “review of the circumstances around [detainees] apprehension and transfer to the facility” imposed an unconstitutional burden on the federal government because, unlike the other two requirements, “[t]his [was] a novel requirement, apparently distinct from any other inspection requirements imposed by California law.” (*Id.* at 885.) As a result, subdivision (b)(1)(C) was preempted, but the remaining provisions were left intact.

According to the author:

California has a responsibility to understand and protect the dignity and safety of all residents, including individuals in immigration detention. The poor health and safety conditions in detention facilities are documented in numerous investigations that report incidents of sexual assault, use of force, inadequate medical and mental health care, and solitary confinement. Inspections continue to reveal that long-standing problems persist, and new findings show these facilities urgently need major improvements to meet ICE’s own standards for health and safety. The federal government’s elimination of any meaningful oversight of these facilities and increased immigration enforcement risk worsening already inhumane conditions, endangering lives, and deepening suffering through overcrowding and neglect.

California took a definitive stance to provide public transparency by passing Government Code section 12532 which requires inspections of these facilities. Since 2017, the California Department of Justice has reported on detention facilities and the treatment of thousands of

detainees under this law. The reports have covered critical observations related to pat downs, medical health records, suicide and intervention, use of force practices, discipline, solitary confinement, medical care, and due process.

SB 1399 removes the sunset provision from Section 12532 and a requirement that was invalidated by the courts, and preserves public transparency by sustaining Cal DOJ's reporting framework to ensure that the truth about conditions inside detention facilities are revealed.

***This bill*** removes the sunset in Section 12532 effectively making permanent the AG's obligation to review and report on private immigration detention facilities in the state. Additionally, the bill strikes subdivision (b)(1)(C) thereby removing the language found unconstitutional by the Ninth Circuit. The initial sunset date may have been appropriate in 2017 contemplating the potential for two consecutive Trump administrations. However, given that Donald Trump did not serve two consecutive terms and his administration will instead control immigration policy through 2028, terminating the DOJ's oversight in 2027 seems ill-advised. As evidenced by the DOJ's reports issued as a result of their oversight authority, it is clear that both the public and the detainees housed in these detention centers would benefit from continued oversight.

***ARGUMENTS IN SUPPORT:*** This bill is sponsored by the Office of the Attorney General Rob Bonta and Immigrant Defense Advocates. It is additionally supported by a number of immigrant rights and civil rights advocates, legal service providers, and local government entities. In support of the measure, Immigrant Defense Advocates submit:

California has a responsibility to understand and protect the dignity, health, and safety of all residents—including individuals held in immigration detention. California's existing detention-facility review framework, established under AB 103 (2017), requires the California Department of Justice (Cal DOJ) through July 1, 2027 to report on conditions of confinement as well as the standard of care and due process provided to detained individuals. SB 1399 is necessary because it removes the sunset provisions and sustains Cal DOJ's reporting authority so these critical reports continue beyond 2027.

Recent Cal DOJ reporting underscores why ongoing oversight is essential. Since AB 103's implementation, Cal DOJ has published reports in 2019, 2021, 2022, and 2025, based on facility visits, review of logs, policies, and detainee records, and interviews with staff and detained individuals. The 2025 report placed a particular focus on mental health needs, examining the availability and quality of care, the prevalence of mental health conditions, and how conditions of confinement affect well-being and due process rights. Cal DOJ's findings highlight inadequate mental health services and medical care, as well as due process violations—failures that can be life-threatening for a population already facing high rates of depression, anxiety, PTSD, and self-harm.

These reports are a vital public accountability tool—especially as the detained population grows and federal oversight has become increasingly insufficient. Without continued state reporting, serious health and safety concerns risk remaining hidden from the public and policymakers, even as overcrowding and neglect worsen conditions inside facilities. The state must be able to document and publicly report what is happening inside detention centers, including whether facilities are meeting basic health and safety standards and whether detained people are receiving appropriate medical and mental health care.

SB 1399 will ensure continued, independent reporting on detention conditions by sustaining Cal DOJ's authority to conduct and publish reviews, including—at minimum—(1) review of conditions of confinement and (2) review of the standard of care and due process provided to individuals held at these facilities. This transparency is essential for protecting health and safety, informing legislative oversight, and preventing recurring harms.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Department of Justice (co-sponsor)  
Immigrant Defense Advocates (co-sponsor)  
Acacia Center for Justice  
California Collaborative for Immigrant Justice  
California Immigrant Policy Center  
Center for Gender & Refugee Studies—California  
Central American Resource Center (CARECEN)  
Central Valley Immigrant Integration Collaborative  
Centro Binacional Para El Desarrollo Indigena Oaxaqueño (CBDIO)  
County of Santa Clara  
Immigrant Defenders Law Center  
Immigrant Legal Defense  
Lawyers Committee for Civil Rights of the San Francisco Bay Area  
Oasis Legal Services  
Open Immigration Legal Services  
Public Counsel  
Riverside Sheriffs' Association  
Soledad; City of  
South Asian Network  
Unidosus  
Vital Immigrant Defense Advocacy and Services  
Werner-Kohnstamm Family Giving Fund

### **Opposition**

None on file

**Analysis Prepared by:** Manuela Boucher-de la Cadena / JUD. / (916) 319-2334