

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 1399 (Durazo) – As Amended May 18, 2026

Policy Committee: Judiciary

Vote: 9 - 3

Urgency: No

State Mandated Local Program: No

Reimbursable: No

**SUMMARY:**

This bill removes the sunset clause that repeals, on January 1, 2028, the requirement that the Attorney General review county, local, or private locked detention facilities in California in which noncitizens are detained for purposes of civil immigration proceedings and report findings, thereby making permanent the review-and-report requirement in AB 103 (Committee on Public Safety), Chapter 17, Statutes of 2017. The bill also deletes the requirement that the review include the circumstances around detainees' apprehension and transfer to the facility — a provision a federal court found preempted.

**FISCAL EFFECT:**

Ongoing costs to the Department of Justice (DOJ) (General Fund), of at least \$1 million annually, to continue conducting facility reviews and issuing reports after the requirement would otherwise sunset on July 1, 2027. By removing the sunset, the bill extends in perpetuity a review-and-report obligation the department currently performs on a nearly annual basis. The costs reflect a continuation of existing departmental workload rather than a new activity; however, the workload would otherwise end in 2027, so removing the sunset avoids the elimination of that cost and instead extends the cost indefinitely. Deleting the preempted apprehension-and-transfer review provision reduces the required scope of each review marginally, but the department's continued performance of the two remaining review components is the operative cost driver. For its part, the DOJ reports that in the 2025-2026 fiscal year, DOJ's Civil Rights Enforcement Section (CRES) has spent 6,698 attorney hours and 7,532 total hours on AB 103-related work, for a total staff-time expenditure of \$1,695,757 in this fiscal year. CRES has also contracted experts in immigration detention and in medical care in detention facilities to support its AB 103-related work.

**COMMENTS:**

- 1) **Purpose.** According to the author, California has a responsibility to understand and protect the dignity and safety of all residents, including individuals in immigration detention, and the poor health and safety conditions in these facilities are documented in numerous investigations. The author states that SB 1399 removes the sunset from Section 12532 and the requirement invalidated by the courts, and preserves public transparency by sustaining the Department of Justice's reporting framework so that conditions inside detention facilities continue to be revealed.

- 2) **Background.** AB 103 (Committee on Public Safety), Chapter 17, Statutes of 2017, required the Attorney General to review county, local, and private locked detention facilities housing noncitizens for civil immigration proceedings, to examine the conditions of confinement, the standard of care and due process, and the circumstances of apprehension and transfer, and to report findings to the Legislature and Governor. The statute included a sunset repealing the requirement effective January 1, 2028. In *United States v. California* (2019), the Ninth Circuit held that the apprehension-and-transfer review component imposed an impermissible burden on the federal government under the doctrine of intergovernmental immunity and was preempted, while leaving the remaining review requirements intact. Although Section 12532 expressly mandates only a single review on or before March 1, 2019, the Department of Justice has conducted nearly annual reviews and published reports in 2019, 2021, 2022, 2025, and May 2026. This bill removes the sunset, making the review-and-report requirement permanent, and strikes the preempted apprehension-and-transfer component.
- 3) **Related Legislation.** SB 942 (Caballero), of this legislative session, establishes the Civil Detainees' Bill of Rights Act of 2026, enumerating the rights of persons detained for purposes of civil immigration proceedings at any state, county, local, or private locked detention facility, requiring facility operators to ensure those rights are protected, and authorizing the Attorney General to bring civil actions for injunctive relief and civil penalties. SB 942 is pending in this committee.

**Analysis Prepared by:** Shiran Zohar / APPR. / (916) 319-2081