

## SENATE THIRD READING

SB 1399 (Durazo)

As Amended May 18, 2026

Majority vote

**SUMMARY**

Removes a sunset clause repealing the requirement that the Attorney General (AG) 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.

**Major Provisions****COMMENTS**

As part of its response to the first Trump Administration, the Legislature approved AB 103 (Committee on Public Safety) Chapter 17, Statutes of 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.

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.

### **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.

### **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.

### **Arguments in Opposition**

None on file

### **FISCAL COMMENTS**

According to the Assembly Appropriations Committee, 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.

## VOTES

### SENATE FLOOR: 29-7-4

**YES:** Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

**NO:** Alvarado-Gil, Choi, Grove, Jones, Ochoa Bogh, Seyarto, Strickland

**ABS, ABST OR NV:** Dahle, Gonzalez, Niello, Valladares

### ASM JUDICIARY: 9-3-0

**YES:** Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

**NO:** Macedo, Dixon, Sanchez

### ASM APPROPRIATIONS: 11-4-0

**YES:** Wicks, Arambula, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

**NO:** Hoover, Dixon, Ta, Tangipa

## UPDATED

VERSION: May 18, 2026

CONSULTANT: Manuela Boucher-de la Cadena / JUD. / (916) 319-2334

FN: 0003463