

Date of Hearing: August 5, 2026

# ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 423 (Gonzalez) – As Amended June 18, 2026

|                   |                   |       |        |
|-------------------|-------------------|-------|--------|
| Policy Committee: | Public Safety     | Vote: | 9 - 0  |
|                   | Natural Resources |       | 13 - 0 |
|                   | Judiciary         |       | 9 - 3  |

Urgency: No      State Mandated Local Program: Yes      Reimbursable: No

## SUMMARY:

This bill requires a state or local agency to disclose, upon request, records of calls and written communications that report or describe an incident occurring at a private detention facility, subject to specified redaction requirements and a limited active-investigation exception.

Specifically, this bill:

- 1) Provides that the following records maintained by a state or local agency are not confidential and must be disclosed upon request to any member of the public: any recording or transcript of a call to the agency that reports or describes an incident occurring at a private detention facility; any written communication to the agency that reports or describes such an incident; and any related writing, including communications, notes, reports, investigations, or findings.
- 2) Provides that a related writing need not be disclosed during an active investigation being conducted by the agency that received the request if disclosure would substantially interfere with the investigation, but specifies that this exception does not authorize withholding the underlying call recordings, transcripts, or written communications.
- 3) Requires an agency to redact any disclosed record to remove the name or identifying number of a person who reportedly experienced an incident or was the victim of specified crimes.
- 4) Defines “incident” to mean any mental or physical illness or injury, any attempted suicide, any alleged crime, or any emergency; and defines “private detention facility” by reference to existing law.

## FISCAL EFFECT:

Costs of up to \$700,000 (General Fund) to the Department of Justice (DOJ) to respond to records requests within the scope of the bill, reflecting four permanent positions beginning January 1, 2027. Within the Office of General Counsel, the Legal Unit would need to add one deputy attorney general and one legal secretary to handle an anticipated influx of requests for records DOJ gathers in the course of existing oversight and reporting duties. Within the Public Rights Division, the Civil Rights Enforcement Section would need to add one senior legal analyst and one legal secretary to search for and compile responsive records, review and assist with redactions, and provide related production support. DOJ reports the department could not absorb these costs within existing budgeted resources.

## COMMENTS:

- 1) **Purpose.** The author contends that private detention facilities in California detain approximately 6,400 people and have been the subject of numerous reports of inhumane conditions, but that because the facilities are privately operated the public has little ability to see what happens inside. The author states that records of emergencies and calls for help are routinely withheld when agencies invoke law enforcement exemptions under the California Public Records Act (CPRA), and that the bill requires disclosure of these records while protecting privacy through redaction of victims' identifying information and allowing limited withholding of records that would substantially interfere with an active investigation. This bill is co-sponsored by the First Amendment Coalition and the Immigrant Defense Advocates.
- 2) **Background.** The CPRA generally provides that public records are open to inspection unless an exemption applies. Among those exemptions, existing law does not require disclosure of investigatory or security files compiled by state or local police agencies, or by other state or local agencies for correctional, law enforcement, or licensing purposes. Under case law, the investigatory records exemption does not terminate when the underlying investigation concludes, so records subject to the exemption can remain withheld indefinitely. According to the Assembly Judiciary Committee, recordings of 911 calls reporting emergencies are generally disclosable, but requesters, including journalists seeking to document conditions at private detention facilities, have faced barriers when agencies claim the investigatory records exemption for call recordings, transcripts, and related writings.

Journalists' investigations have documented rising reports of sexual violence and emergency calls at private detention facilities in California, including a reported sixfold increase in 911 calls from one facility, while agencies have withheld the underlying records under the investigatory exemption. This bill makes disclosure of these records mandatory rather than discretionary, while requiring redaction of the name or identifying number of a person who experienced an incident and preserving a limited withholding option for related writings during an active investigation.

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