UNFINISHED BUSINESS

Bill No: SB 423
Author: Gonzalez (D), et al.
Amended: 8/20/26
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 4/22/25
AYES: Arreguín, Caballero, Gonzalez, Pérez, Wiener
NOES: Seyarto

SENATE NATURAL RES. & WATER COMMITTEE: 7-0, 4/30/25
AYES: Limón, Seyarto, Allen, Grove, Hurtado, Laird, Stern

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/23/25
AYES: Caballero, Seyarto, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Dahle

SENATE FLOOR: 39-0, 6/4/25
AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Reyes

ASSEMBLY FLOOR: 58-16, 8/30/26 - See last page for vote

SUBJECT: California Public Records Act: private detention facilities

SOURCE: First Amendment Coalition
Immigrant Defense Advocates

DIGEST: This bill provides that certain records maintained by state agencies relating to private detention facilities are disclosable under the California Public Records Act (CPRA), a specified.

Assembly Amendments deleted the prior contents of the bill and amended in the current contents of the bill.

ANALYSIS:

Existing law:

1) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (California Constitution [Cal. const.] art. I, § 3(b)(1).)

   a) Requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. (Cal. const. art. I, § 3(b)(1).)

   b) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)

2) Governs the disclosure of information collected and maintained by public agencies pursuant to the CPRA. (Government [Gov.] Code §§ 792.000 et seq.)

   a) States that, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.)

   b) Defines "public records" as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. (Gov. Code § 7920.530.)

   c) Defines "public agency" as any state or local agency. (Gov. Code § 7920.525(a).)

3) Provides that all public records are open to inspection at all times during the office hours of a state or local agency and every person has a right to inspect any public record, unless the record is exempt from public disclosure. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (Gov. Code § 7922.525.)

a) Some records are prohibited from being disclosed and other records are permissively exempted from being disclosed. (See e.g. Gov. Code §§ 7920.505 & 7922.200.)

b) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with custody of the information, but it also may be disclosed if it is shown that the public's interest in disclosure outweighs the public's interest in non-disclosure of the information. (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, at 652.).

4) Provides that certain provisions of existing law may operate to exempt certain records under the CPRA. (Gov. Code § 7930.180.)

This bill:

1) Provides that the following records maintained by a state or local agency are not confidential and an agency must disclose those records upon request to any member of the public:

a) Any recording of any telephonic or other call to the agency that reports or describes an incident occurring at a private detention facility, or any transcript of any such recording.

b) Any written communication to the agency that reports or describes any incident occurring at a private detention facility.

c) Any records in the possession of a law enforcement agency, any writing related to the report, investigation, or findings of an incident reported or described in a recording or any transcript described in a) or a written communication described in b), except that an agency does not need to disclose a writing or portion of a writing during an active investigation being conducted by the agency that received the request if the disclosure would substantially interfere with the investigation, including by endangering the safety of a witness or a confidential source.

2) Requires an agency to redact any record disclosed under 1), above, to remove both of the following:

a) the name or identifying number of a person who reportedly experienced an incident or was the victim of specified crimes; and

b) the name or identifying number of a person, including, but not limited to, a whistleblower, complainant, or witness, if there is a specific, articulable, and particularized reason to believe that failure to do so would pose a significant danger to the physical safety of that person.

3) Provides that the above does not apply to the office of the Attorney General, the Department of Justice, the Department of Consumer Affairs, or any board, bureau, committee, commission, program, or other state entity within the Department of Consumer Affairs.

Comments

The federal government, primarily through the Immigration and Customs Enforcement agency (ICE), enforces federal immigration laws in the interior of the country, through placing individuals suspected of being deportable into deportation proceedings, carrying out expedited removals in certain circumstances, or executing outstanding deportation orders.[1] When someone is arrested by ICE for immigration enforcement, they may be detained to await adjudication of their deportation case or the effectuation of their deportation. Any person in the United States who is not a citizen has some level of risk that they could be deported from the United States, and individuals of all varieties of immigration status, from lawful permanent residency to those who are applying for asylum or who are undocumented, may be detained pending adjudication of charges of deportability or their application for relief from deportation. In many circumstances, a detained individual has a right to request a bond hearing before an immigration judge to request release from detention. In other cases, detainees are subject to "mandatory detention," in which they do not have a right to a bond hearing.[2] Many immigrants are detained for months or even years, separating them from their families and subjecting them to the harsh and inhumane conditions of confinement.

Almost all immigration detention centers in the United States are owned and operated by private companies that contract with the federal government to provide immigration detention. All immigration detention centers in California are

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[1] Deportation proceedings are administrative proceedings that are adjudicated by an immigration judge, who must make the determination of whether the non-citizen respondent is deportable, and whether they qualify for relief from deportation like asylum. Expedited removal is a process by which an immigration officer, not an immigration judge, may remove an individual from the United States without a hearing on their deportability. While expedited removal has historically been limited to narrow circumstances where an individual is apprehended close to the border, the Trump Administration has significantly expanded the circumstances to which it applies, despite significant due process and other constitutional concerns with the practice.

[2] *See, 8 U.S.C. § 1226(c)*; *Johnson v. Arteaga-Martinez* (2022) 596 U.S. 573.

operated as private detention centers. Currently, there are seven private detention centers in California: the Golden State Annex; Mesa Verde ICE processing center; Adelanto ICE processing center; Desert View Annex; Otay Mesa Detention Center; Imperial Regional Detention Facility; and the California City Detention Center. There are 6,459 detainees being detained in California detention centers as of February 2026.[3]

While private detention centers are required to meet a variety of health and safety standards set by ICE, they regularly fail to meet those standards and are plagued by reports of unsafe and inhumane conditions.[4] These include reports of inadequate medical care, a lack of access to safe drinking water, inedible or spoiled food, the use of solitary confinement and extreme temperatures or 24-hour overhead lighting, poor and unsanitary amenities, overcrowding, and harassment and abuse.[5]

Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.) In 2004, the right of public access was enshrined in the California Constitution with the passage of Proposition 59 (Nov. 3, 2004, statewide general election), which amended the California Constitution to specifically protect the right of the public to access and obtain government records: "The people have the right of access to information concerning the conduct of the people's business, and therefore . . . the writings of public officials and agencies shall be open to public scrutiny." (Cal. Const., art. I, sec. 3 (b)(1).) In 2014, voters approved Proposition 42 (Jun. 3, 2014, statewide direct primary election) to further increase public access to government records by requiring local agencies to comply with the CPRA and the Ralph M. Brown Act , and with any subsequent statutory enactment amending either act, as provided. (Cal. Const., art. I, sec. 3 (b)(7).)

Under the CPRA, public records are open to inspection by the public at all times during the office hours of the agency, unless exempted from disclosure. (Gov. Code § 7922.252.) A public record is defined as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any public agency regardless of physical form or characteristics.

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[3] *Id*.

[4] Akash Pillai et al., "Health issues for immigrants in detention centers," Kaiser Family Foundation (Sept. 30, 2025), https://www.kff.org/racial-equity-and-health-policy/health-issues-for-immigrants-in-detention-centers.

[5] *Id*.; Disability Rights California, "Newly Opened California City ICE Detention Facility: Dangerous for Disabled People" (Nov. 3, 2025) https://www.disabilityrightsca.org/reports/california-city-ice-processing-center-a-dangerous-expansion-of-immigration-detention-in; Muzaffar Chisti & Valerie Lacarte, "U.S. detention grows to record heights under Trump Administration," Migration Policy Institute (Oct. 29, 2025) https://www.migrationpolicy.org/article/trump-immigrant-detention.

(Gov. Code § 7920.530.) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with custody of the information, but it also may be disclosed if it is shown that the public's interest in disclosure outweighs the public's interest in non-disclosure of the information. (CBS, Inc. v. Block (1986) 42 Cal.3d 646, at 652.). Additionally, some records are prohibited from disclosure or are specifically stated to not be public records. (e.g. Gov. Code § 7924.110(a).) One such exemption, is for records of "any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes." (Gov. Code § 7923.600.)

The sponsors and supporters of this bill report that journalists have attempted to obtain records of emergency calls from these facilities under the provisions of the CPRA, but have faced roadblocks to obtaining records due to agencies claiming exemptions to disclosure.

Supporters of this bill write:

> Journalists have been tirelessly pursuing stories about what occurs in detention. And for good reason. Between September 2025 and March 2026, there were six deaths at two facilities in California. This month ICE announced that it will no longer report the deaths of detainees who have recently been released from custody – even if the cause of death could have been an illness or incident that occurred at the facility. Numerous reports of inhumane conditions, medical neglect, mistreatment and sexual violence underscore the need for greater transparency and oversight.
>
> Journalists trying to document these important stories in California often face barriers to public records. For example, a 2026 CalMatters investigation found a rise in reports of rape and other sexual violence at the Otay Mesa detention facility in San Diego County. The limited amount of public records made available showed that in 2025 there were 159 calls for service, 21 of them related to the federal Prison Rape Elimination Act, and seven of those alleging rape. When journalists tried to uncover more information, the sheriff's department refused to release recordings of the 911 calls or the full dispatch log, stating that the records were exempt as they were records of a law enforcement investigation, even though a contract revealed that the sheriff had ceded control of the investigations to private administrators employed by the

for-profit prison contractor. Reporters at other news organizations have experienced similar barriers to crucial information. The San Bernardino Sun this year reported a sixfold increase in 911 calls from Adelanto's detention center. But when the reporter sought to understand specific incidents in greater detail, the sheriff's department withheld the information citing the investigatory records exemption.

In order to increase transparency surrounding the conditions in these facilities, this bill limits the discretion of an agency to withhold 911 calls and other records related to private detention facilities, while ensuring certain personal or sensitive information is redacted.

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

SUPPORT: (Verified 8/30/26)

First Amendment Coalition (source)
Immigrant Defense Advocates (source)
ACLU California Action
Amnesty International USA
Asian American Journalists Association, Greater Los Angeles
Association of Alternative Newsmedia Publishers
Blue Turn Indivisible
Buen Vecino
California Mandela Campaign
California News Publishers Association
CCNMA Latino Journalists of California
Central Valley Immigrant Integration Collaborative
Disability Rights California
Freedom of the Press Foundation
Friends of La Peña Immigrant Rights
Gregory Pleasants Law, APC
Indivisible Alta-Pasadena
Indivisible Marin
Indivisible Media City
Indivisible Palo Alto Plus
Indivisible Sacramento
Indivisible Santa Cruz County
Indivisible West CoCo County
Indivisible West Marin
Indivisible Westside Los Angeles

Inland Counties Legal Services
IWCCC
Law Office of Helen Lawrence
League of Women Voters of California
Los Angeles Press Club
National Association of Hispanic Journalists, Bay Area
Oakland PRivacy
Oasis Legal Services
Orange County Press Club
Pacific Media Workers, TNG-CWA
Refreshments & Resistance
Richmond Indivisible
San Diego Pro Chapter of the Society of Professional Journalists
Society of Professional Journalists
Society of Professional Journalists, Greater Los Angeles Chapter
Society of Professional Journalists, Northern California
Society of Professional Journalists, San Diego PRO Chapter
South Bay People Power
Venice Resistance
Wellstone Democratic Renewal Club

OPPOSITION: (Verified 8/30/26)

None received

ARGUMENTS IN SUPPORT: The author writes:

> Private detention facilities in California currently detain approximately 6,400 people and have been the subjects of numerous reports of inhumane conditions – yet because they are run by private, for-profit corporations, the public has little ability to see what happens inside them. California's Attorney General inspects and reports on conditions at these facilities, but records of emergencies and calls for help—911 recordings, dispatch logs, and reports of assault, medical crises, and sexual violence—are routinely withheld when agencies invoke law enforcement exemptions under the Public Records Act. In one recent case, according to a CalMatters investigation, a Sheriff's department refused to release audio recordings of 911 calls or a full dispatch log from a private facility, citing a law enforcement investigation exemption -- despite the fact that the Sheriff's department was not investigating the incident. SB 423 amends the California Public Records Act to require local agencies to disclose records of emergency calls from private detention facilities, while protecting privacy by redacting victims' identifying information and allowing limited withholding of records that

would substantially interfere with an active investigation. No facility that holds people in government custody should operate in the dark, and the bill gives California the ability to hold these facilities accountable when they violate the rights of those they detain.

Assembly Floor: 58-16

Ayes: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

Noes: Alanis, Chen, Davies, DeMaio, Dixon, Ellis, Flora, Hoover, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis

No Vote Recorded: Ávila Farías, Castillo, Jeff Gonzalez, Hadwick, Krell

Prepared by: Amanda Mattson / PUB S. / (916) 651-4118
11/5/26 15:13:09

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