

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 941 (Padilla)

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Fiscal: No

Urgency: No

ID

SUBJECT

Private detention facilities: canteens

DIGEST

This bill prohibits a commissary in a private detention facility from selling an article at a markup of 35 percent or greater above the amount paid to a vendor for the article.

EXECUTIVE SUMMARY

Since the start of its second term, the Trump Administration has substantially expanded immigration enforcement and detention to an unprecedented degree. It has detained more noncitizens than ever before, and has worked to increase the government's detention capacity through the constructing and opening of more detention facilities. 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. 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. In addition, multiple reports have found that the commissaries, or stores within detention centers that sell goods to detainees, are significantly overcharging detainees in private detention facilities for a variety of basic goods. In the last few years, the state has encountered and attempted to prohibit overcharging in the canteens of the state's prisons by passing legislation prohibiting the sale of items at prices that exceed a 35 percent markup of the price paid to the vendor of the item. SB 941 mirrors that effort for private detention facilities by prohibiting the sale of an article in a commissary at a private detention facility from exceeding a 35 percent markup above the amount paid to a vendor.

SB 941 is sponsored by the California Attorney General, Immigrant Defense Advocates, and the California Collaborative for Immigrant Justice, and is supported by a large number of immigrant rights' groups, nonprofits, and legal firms. The Committee has

received no timely letters of opposition. SB 941 previously passed out of the Senate Public Safety Committee by a vote of 6 to 0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Requires the California Department of Corrections and Rehabilitation to maintain a canteen at an active prison or institution under its jurisdiction for the sale to persons confined therein of toilet articles, candy, notions, and other sundries, and requires the Department to provide the necessary facilities, equipment, personnel, and merchandise for the canteen. (Pen. Code § 5005(a).)
- 2) Prohibits the sales price of items offered in the state's prison canteens from exceeding a 35 percent markup above the amount paid to the vendors until January 1, 2028. (Pen. Code § 5005(a).)
- 3) Defines "detention facility" as a facility in which persons are incarcerated or otherwise involuntarily confined for purposes of the execution of a punitive sentence imposed by a court or detention pending trial, hearing, or other judicial or administrative proceeding. (Pen. Code § 9500(a).)
- 4) Defines "private detention facility" to mean a detention facility that is operated by a private, nongovernmental, for-profit entity, and operating pursuant to a contract or agreement with a government entity. (Pen. Code § 9500(b).)

This bill:

- 1) Defines, for its purposes, "commissary" to mean any onsite or online store, canteen, vendor-operated program, or retail service that sells goods, food, hygiene supplies, phone cards, or other items to people confined in a private detention facility, whether operated directly by the facility or through a third-party contractor.
- 2) Defines "private detention facility" as having the same meaning as defined in current law, described in (4), above.
- 3) Prohibits the sale price of an article offered for sale in a commissary at a private detention facility from exceeding a 35 percent markup above the amount paid to a vendor for that article.

COMMENTS

1. Author's statement

According to the author:

In California, every individual detained by ICE is held in a private detention facility that is operated on private property by a private corporation under contract with the federal government. There are currently seven private detention facilities in the state, two of which are located within my district.

California has already recognized that commissary access is a basic necessity in state-run prisons. Consumer protections exist to prevent the exploitation of incarcerated individuals and their families, but ICE detainees face exploitative prices in their private commissaries. These exploitive prices make it difficult for detainees to access essential goods such as food, drinking water, and soap. SB 941 will take California's existing commissary price protections and extend them to private detention facilities to protect detained individuals and their families, many of whom are already experiencing economic hardship, from price gouging by private companies operating in California. This extension will apply to private entities operating in these facilities and will not apply to the federal government.

These unreasonable markups gouge immigrants in the hardest moments of their lives. Detainees are forced to make impossible decisions, such as choosing between obtaining clean drinking water or paying for the cost to call their families. This kind of opportunistic profiteering should not be allowed to continue unchecked.

2. Private detention facilities in the United States

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,

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.

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 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

When a detainee needs a good or basic item that the facility fails to provide, they may be able to purchase the item from the detention center’s commissary. Access to these basic goods is essential. However, multiple reports have found significant overcharging in immigration detention centers’ commissaries, an issue that is often a complaint of detainees. In one study from 2023, researchers found that commissaries at multiple private detention centers in California were selling basic items, including toothpaste and a bar of soap, for markups of more than 40 percent the normal price for those

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

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>.

items.⁶ In addition to these high prices, the commissaries charged a 10 percent processing fee for all detainee purchases. Another report from 2019 found that private detention center commissaries were selling toothpaste for more than double the price in a grocery store and cans of tuna for more than four times the price.⁷

3. The BASIC Act

Under current law, the California Department of Corrections and Rehabilitation (CDCR) is authorized to maintain and operate a canteen in the state's prisons so that inmates can purchase toiletries, stationery, snacks, and other personal items. (Pen. Code § 5005.) Upon reports that canteens in the state's prisons were selling inmates items at a markup as high as 65 percent, the Legislature passed the Basic Affordable Supplies for Incarcerated Californians Act (BASIC Act) (SB 474, Becker, Ch. 609, Stats. 2023) to prohibit prison canteens from selling items at more than a 35 percent markup of the prices paid to vendors for the items. (Pen. Code § 5005.) The BASIC Act was aimed at ensuring that inmates had access to basic necessities and would be relieved of the unnecessary cost pressures caused by excessive markups on the prices of canteen goods.

4. SB 941 aims to apply the same standards for goods sold in private detention centers as apply to state run prisons

SB 941 aims to apply the same requirement that exists for the state's prisons to private detention facilities within the state. It would prohibit a private detention facility's commissary from selling any items at a markup of more than 35 percent of the price paid to the commissary's vendor for the item. This prohibition would apply to a commissary in a detention facility that is operated by a private, nongovernmental, for-profit entity pursuant to a contract or agreement with a government entity. Thus, the same 35 percent limit on markups of the price of goods that applies to the state's prisons, would apply to all private detention facilities in the state, including those operated for immigration detention.

SUPPORT

California Attorney General Rob Bonta (co-sponsor)

Immigrant Defense Advocates (co-sponsor)

California Collaborative for Immigrant Justice (co-sponsor)

Acacia Center for Justice

⁶ Kamal Cheema et al., *One Dollar a Day: Labor Conditions within California Immigrant Detention Centers*, UCLA Luskin School of Public Affairs (2023), available at <https://www.ccijustice.org/labor-conditions-report>.

⁷ Michael Conlin & Kristina Cooke, "\$11 toothpaste: immigrants pay big for basics at private ICE lock-ups," Reuters (Jan. 18, 2019) <https://www.reuters.com/article/world/11-toothpaste-immigrants-pay-big-for-basics-at-private-ice-lock-ups-idUSKCN1PC0DJ/>.

ACLU California Action
Anti-recidivism Coalition
Asian Law Caucus
AVAN Immigrant Services
California Community Foundation
California Immigrant Policy Center
California Public Defenders Association
Center for Gender & Refugee Studies – California (CGRS-CA)
Central American Resource Center of California (CARECEN-LA)
Centro Binacional Para El Desarrollo Indígena Oaxaqueño
Communities United for Restorative Youth Justice (CURYJ)
Community Action Board of Santa Cruz County, Inc. (CAB)
Disability Rights California
Ella Baker Center for Human Rights
Gregory Pleasants Law, APC
Hijas del Campo
Immigrant Legal Defense
Imperial Valley Equity & Justice Coalition
Indivisible East Contra Costa County
Jesse's Place Org
Justice2jobs Coalition
La Defensa
Legal Services for Prisoners With Children / All of US or None
Munoz Law
Oasis Legal Services
Open Immigration Legal Services
Pangea Legal Services
Pedraza Law
Public Counsel
Rage for Democracy
Riverside Sheriffs' Association
Rubicon Programs
San Francisco Public Defender's Office
Secure Justice
Smart Justice California, a Project of Beyond Impact
The Place4grace
Uprise Theatre

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation:

SB 1367 (Cervantes, 2026) prohibits a city or county from approving new land uses or changes of use that permit a detention facility, as specified. SB 1367 is currently pending before the Senate Local Government Committee.

SB 995 (Pérez, 2026) creates the Involuntary Residential Facilities Health and Safety Act of 2026 to authorize the Office of the State Fire Marshall, the State Department of Public Health, the State Water Resources Control Board, and the Department of Industrial Relations to conduct periodic inspections of an involuntary residential facility, as defined, in order to evaluate compliance with applicable health, safety, building, environmental, and labor standards, and requires the operator of an involuntary residential facility to provide reasonable access to an inspecting agency, maintain records demonstrating compliance, submit reports to the inspecting agencies, and to correct any violation. SB 995 also provides a civil penalty for a violation of these provisions. SB 995 is currently pending before this Committee.

SB 942 (Caballero, 2026) establishes the Private Detention Facility Oversight and Standards Act of 2026 to prohibit a private detention facility from operating in the state unless it obtains and maintains a license from the Department of Public Health (Department), and authorizes the Department to issue, suspend, and revoke licenses based on specified criteria, including that the detention facility comply with all applicable standards of care in their contract with an entity. Requires the Department to conduct annual unannounced inspections and additional inspections based on complaints, and authorizes the Department to issue specified penalties for violations of these requirements. SB 942 is currently pending before the Senate Health Committee.

AB 1807 (Gabriel, 2026) prohibits the use of state-owned property for purposes of immigration enforcement, including for staging, assembling, mobilizing, or deploying vehicles, equipment, or personnel, and requires the Department of General Services to identify state-owned property previously or likely to be used for immigration enforcement purposes. It also requires state agencies to take various actions to limit access to such state-owned property for immigration enforcement purposes, as specified. AB 1807 is currently pending before the Assembly Judiciary Committee.

Prior Legislation:

SB 474 (Becker, Ch. 609, Stats. 2023) established the Basic Affordable Supplies for Incarcerated Californians Act (BASIC Act) to prohibit state prison canteens from selling items at a markup of more than 35 percent of the prices paid to vendors for the items.

AB 3228 (Bonta, Ch. 190, Stats. 2019) required private detention facilities in the state to comply with and adhere to the detention standards of care and confinement agreed to in the facility's contract for operations, and permitted individuals injured by a private detention facility's failure to comply with these standards of care to bring a civil action.

AB 32 (Bonta, Ch. 739, Stats. 2019) prohibited, on or after January 1, 2020, the Department of Corrections and Rehabilitation from entering into or renewing a contract with a private, for-profit prison to incarcerate state prison inmates, and prohibited, any person from operating a private detention facility in the state. AB 32's prohibition on private detention facilities was subsequently struck down as unconstitutional (*GEO Corp, Inc. v. Newsom* (2021) 15 F.4th 919, vacated, *GEO Group, Inc. v. Newsom* (2022) 31 F.4th 1109.)

SB 29 (Lara, Ch. 494, Stats. 2017) prohibited a city, county, city and county, or a local law enforcement agency from entering into a contract to detain noncitizens for immigration custody, and prohibited a city or county from approving or signing a deed or other document to convey land or issue a permit for the construction or reuse of a building to housing or detain noncitizens for immigration proceedings unless it has provided specified notice to the public and solicited and heard public comments regarding the proposed detention facility.

PRIOR VOTES:

Senate Public Safety Committee (Ayes 6, Noes 0)
