

Date of Hearing: June 9, 2026
Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

SB 941 (Padilla) – As Introduced January 29, 2026

SUMMARY: Prohibits the sale price of commissary items at a private detention facility from exceeding a 35-percent markup above the amount paid to a vendor for the item; and defines “commissary” as 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.

EXISTING LAW:

- 1) Requires the California Department of Corrections and Rehabilitation (CDCR) 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 may provide the necessary facilities, equipment, personnel, and merchandise for the canteen. (Pen. Code, § 5005, subd. (a).)
- 2) Limits the sale prices 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, subd. (a).)
- 3) Provides that the canteen operations at specified prisons and institutions shall be audited biennially by the Department of Finance, and requires a copy of the audit report or CDCR’s statement of operations to be posted at the canteen and in the prison or institution library. (Pen. Code, § 5005, subd. (c).)
- 4) Defines “private detention facility” as “a detention facility that is operated by a private, nongovernmental, for-profit entity, and operating pursuant to a contract or agreement with a governmental entity.” (Gov. Code, § 9500, subd. (b).)

FISCAL EFFECT: Unknown.

COMMENTS:

- 1) **Sponsors:** California Department of Justice (DOJ), California Collaborative for Immigrant Justice, and Immigrant Defense Advocates.
- 2) **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.”

- 3) **Private Detention Facilities:** The federal government contracts with private detention facilities across the country to house immigration detainees. There are currently seven private detention facilities operating in California in four counties—San Bernardino County, Kern County, San Diego County, and Imperial County. These facilities have been rife with issues, including poor medical care, substandard living conditions, sexual abuse and harassment, detainee deaths, and disproportionate use of force against individuals with mental health diagnoses.¹ As a result, several lawsuits have been filed against the operators of these private detention facilities.²

The Legislature has enacted several laws in recent years related to the conditions of private detention facilities. AB 3228 (Bonta), Chapter 190, Statutes of 2020, required any private detention facility operator to comply with, and adhere to, the detention standards of care and confinement agreed upon in the facility’s contract for operations, and created a private right of action for individuals to sue if a private detention facility violated the requirement to comply with detention standards of care and confinement. AB 263 (Arambula), Chapter 294, Statutes of 2021, required a private detention facility operator to comply with, and adhere to, all local and state public health orders and occupational safety and health regulations. Finally, SB 1132 (Durazo), Chapter 183, Statutes of 2024, authorized a county or city health officer to investigate a private detention facility. SB 1132 was challenged by GEO Group, an

¹ 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>> [hereafter Disability Rights California Report]; Department of Justice, *Immigration Detention in California: A Comprehensive Review with a Focus on Mental Health 2025* <<https://oag.ca.gov/system/files/media/immigration-detention-2025.pdf>>; Andrea Castillo, *Immigrant detainees say they were harassed, sexually assaulted by guard who got promoted*, Los Angeles Times (Nov. 12, 2025) <<https://www.latimes.com/politics/story/2025-11-12/calif-immigrant-detainees-say-they-were-harassed-sexually-assaulted-by-guard-who-got-promoted>>.

² See Rachel Uranga, *Why California’s newest detention facility faces federal lawsuit over medical neglect and ‘punitive’ unsanitary conditions*, Los Angeles Times (Nov. 13, 2025) <<https://www.latimes.com/california/story/2025-11-13/immigrants-held-in-inhumane-conditions-at-california-detention-facility-sue-ice-dhs>>; Salvador Hernandez & Ruben Vives, *Adelanto ICE facility isn’t meant to hold immigrants, it’s meant to break them, lawsuit alleges*, Los Angeles Times (Jan. 26, 2026) <<https://www.latimes.com/california/story/2026-01-26/lawsuit-alleges-inhumane-conditions-at-adelanto-ice-facility>>.

operator of private detention facilities, which argued that the law was unconstitutional because it interfered with the federal government’s authority to manage detention centers and GEO Group claimed it had intergovernmental immunity by extension as a contractor of the federal government. The lawsuit was dismissed in May of 2025.³

- 4) **Canteens:** A canteen is a store located in a detention facility where the incarcerated population can purchase toiletries, stationery, snacks, and other personal items. In 2023, the Legislature enacted SB 474 (Becker), Chapter 609, Statutes of 2023, to temporarily cap the markup of canteen items in the state’s prisons to no more than 35% of the price CDCR paid to the vendor. At the time, advocates argued that canteen items had unreasonably high prices compared to the prices of the same or similar items available to the general public and cited a report that found that 60% of the formerly incarcerated individuals surveyed could not afford canteen purchases while incarcerated, which sometimes led individuals to resort to extreme measures to gain access to canteen items such as engaging in gang activity and sexual relationships.⁴

The proponents of this bill contend that items sold in the canteens in private detention facilities have similarly inflated to unreasonable prices. They argue that the high prices are especially problematic when considering that some canteen items are necessary for survival. For example, an inspection last year of the California City Detention Facility revealed that the facility’s water was arguably unsafe to drink—it was brown with an unpleasant taste.⁵ As a result, detainees had to rely on bottled water sold at the canteen but due to its high price, detainees could not afford to purchase sufficient water and suffered from dehydration.⁶ This bill prohibits the price of an item 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 item.

- 5) **Argument in Support:** According to *Immigrant Defense Advocates*, one of the bill’s co-sponsors, “SB 941 is a straightforward consumer protection measure that would prevent detained people and their loved ones from being exploited as a captive market.

“When a family’s breadwinner is detained, households often experience an immediate financial shock: lost wages, rent and utility shortfalls, childcare disruptions, and increased legal expenses. Community reporting has documented that families frequently turn to mutual aid networks, schools, and churches just to stabilize after a household income is suddenly cut off.

“In that context, commissary price gouging is not a minor inconvenience—it is a direct transfer of wealth from families in crisis to private detention vendors. People in detention rely on commissary systems for basic necessities (food supplements, hygiene items, OTC medicines, and other essentials). Their families—already in a vulnerable state—should not be forced to pay inflated prices simply to help their loved ones meet basic needs. As Senator Padilla’s office has noted, SB 941 is designed to stop excessive markups on products sold at

³ Wendy Fry & Jeanne Kuang, *California gave counties power to inspect ICE detention centers. They’re not using it*, Cal Matters (Oct. 2, 2025) <<https://calmatters.org/justice/2025/10/ice-detention-center-inspections/>>.

⁴ Leslie Soble, Kathryn Stroud, and Marika Weinstein, *Eating Behind Bars: Ending the Hidden Punishment of Food in Prison* (2020), p. 11 available at <<https://impactjustice.org/wp-content/uploads/IJ-Eating-Behind-Bars.pdf>>.

⁵ Disability Rights California Report, *supra*.

⁶ *Ibid.*

private detention facilities.

“SB 941 would prohibit commissary items from being sold at prices exceeding a 35% markup above vendor cost, and it defines “commissary” broadly to include onsite or online stores and vendor-operated retail programs selling goods to detained people.

“This matters in California because, as Senator Padilla’s office emphasizes, every individual in ICE detention in California is held in a private detention facility operated by private corporations under federal contract—which makes state-level consumer protections especially urgent.

“Commissary profiteering compounds harmful living conditions—especially when facilities fail to provide adequate basic necessities. Commissary systems often operate against a backdrop of broader conditions failures. Independent and governmental reporting has documented widespread complaints in immigration detention of people being denied adequate food or clean water—conditions that can lead to malnutrition, dehydration, and serious health consequences. For example, a U.S. Senate investigation released by Jon Ossoff reported dozens of credible reports involving denial of adequate food or water in immigration detention, including reports of spoiled/contaminated food and water and prolonged periods between meals.

“California advocates have also documented complaints from people detained in California facilities—ranging from lack of nutritious food to spoiled items and failures to accommodate special diets.

“When private operators fail to consistently provide adequate nutrition and safe living conditions, commissary becomes even more essential to basic wellbeing. That is precisely why it is unacceptable to allow profiteering: families should not be forced to “buy back” dignity and basic necessities through inflated commissary pricing. California should not allow detention to become a profit center built on family desperation.

“These are private facilities doing business in California. Private corporations and their vendors should not be permitted to exploit detention—an inherently coercive setting—by charging excessive prices to families already struggling with the loss of income, mounting bills, and legal costs. SB 941 sets a reasonable ceiling that protects families while preserving access to necessary goods.”

6) **Argument in Opposition:** None submitted.

7) **Related Legislation:**

- a) AB 1633 (Haney) would impose, beginning January 1, 2027, an annual tax upon all “private detention facility operators” equal to 50% of the operator's gross receipts derived from the operation of each “private detention facility” in California. AB 1633 is pending referral in the Senate Rules Committee.
- b) SB 942 (Caballero) would require civil confinement facilities in the state to register with the Department of Public Health, if not already licensed, certified, designated, or approved under state law or local ordinance, and requires enforcing agencies to conduct

regular inspections and enforcement of applicable health and safety laws and regulations, standards of care and confinement, and approved facility policies and procedures, as specified. SB 942 is pending referral in the Assembly Rules Committee.

8) Prior Legislation:

- a) SB 1132 (Durazo), Chapter 183, Statutes of 2024, clarified that local county health officers are authorized to inspect health and sanitary conditions in private detention facilities.
- b) SB 474 (Becker), Chapter 609, Statutes of 2023, required CDCR to maintain a canteen at active prisons or institutions under its jurisdiction and cap the markup of the items sold at a 35% markup above the amount paid to vendors.
- c) AB 263 (Arambula), Chapter 294, Statutes of 2021, required a private detention facility operator to comply with, and adhere to, all local and state public health orders and occupational safety and health regulations.
- d) AB 3228 (Bonta), Chapter 190, Statutes of 2020, required a private detention facility operator to comply with, and adhere to, the detention standards of care and confinement agreed upon in the facility's contract for operations; and provided a private right of action for an individual injured by noncompliance with the above standards, as specified.
- e) AB 32 (Bonta), Chapter 739, Statutes of 2019, prohibited the CDCR from entering into, or renewing contracts with private for-profit prisons after January 1, 2020, and eliminates their use by January 1, 2028. Also prohibits the operation of a private detention facility within the state, except as specified.
- f) AB 1320 (Bonta), of the 2017-2018 Legislative Session, would have prohibited CDCR from entering into, or renewing contracts with private prisons after January 1, 2018, and eliminates their use by January 1, 2028. AB 1320 was vetoed.
- g) SB 1289 (Lara), of the 2015-2016 Legislative Session, would have prohibited local governments and law enforcement from contracting with companies that operate for-profit immigration detention facilities, starting January 1, 2018, and requires these facilities to uphold national standards for humane treatment of detainees. SB 1289 was vetoed.

REGISTERED SUPPORT / OPPOSITION:

Support

California Collaborative for Immigrant Justice (Co-Sponsor)

California Department of Justice (Co-Sponsor)

Immigrant Defense Advocates (Co-Sponsor)

Acacia Center for Justice

ACLU California Action

Asian Law Caucus

Avan Immigrant Services
California Community Foundation
California Immigrant Policy Center
California Public Defenders Association
Center for Gender & Refugee Studies
Center for Gender & Refugee Studies–California
Central American Resource Center (CARECEN)
Disability Rights California
Ella Baker Center for Human Rights
Hijas Del Campo
Immigrant Legal Defense
Indivisible Central Contra Costa County
Justice2jobs Coalition
LA Defensa
Los Angeles County District Attorney's Office
Oasis Legal Services
Public Counsel
Riverside Sheriffs' Association
San Francisco Public Defender's Office
San Quentin Skunkworks
Secure Justice
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Beyond Impact
United Domestic Workers/afscme Local 3930

Opposition

None submitted.

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