

SENATE THIRD READING
SB 941 (Padilla)
As Introduced August 12, 2026
Majority vote

SUMMARY

Prohibits the sale price of commissary items at a private detention facility from exceeding a 35% 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.

Major Provisions

COMMENTS

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 California Department of Corrections and Rehabilitation (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.¹

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.² 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.³ This bill prohibits the price of an item offered for sale in a commissary at a private detention facility from exceeding a 35% markup above the amount paid to a vendor for that item.

According to the Author

"In California, every individual detained by Immigration and Customs Enforcement (ICE) is held in a private detention facility that is operated on private property by a private corporation under

¹ 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>>.

² Disability Rights California Report, *supra*.

³ *Ibid.*

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."

Arguments 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, [Over the Counter] (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 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."

Arguments in Opposition

None submitted

FISCAL COMMENTS

Unknown. This bill is keyed non-fiscal by the Legislative Counsel.

VOTES

SENATE FLOOR: 38-0-2

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Alvarado-Gil, Jones

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Hart, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

UPDATED

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CONSULTANT: Andrew Ironside / PUB. S. / (916) 319-3744

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