

Date of Hearing: June 30, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
SB 942 (Caballero) – As Amended June 22, 2026

As Proposed to be Amended to Add an Urgency Clause

SENATE VOTE: 38-0

SUBJECT: CIVIL DETAINEES

SYNOPSIS

Stories of immigration detention facilities have often detailed harrowing conditions, and these stories have only grown in number and in severity since the beginning of the second Trump Administration. Every detainee, whether held on civil or criminal matters, is entitled to certain rights for the duration of their detention. In the context of immigration detention, which is civil in nature, Immigration and Customs Enforcement (ICE) must ensure facilities comply with specific standards relating to detainees' health and safety. This bill seeks to enshrine the Civil Detainees' Bill of Rights into law, and to require detention facility operators to ensure detainees' rights are protected. The bill also authorizes the Attorney General to bring a civil action for injunctive relief and to seek civil penalties of up to \$2,500 per violation. Recognizing the dire circumstances of detainees in immigration detention throughout the state, the author is proposing to adopt an urgency clause, which is incorporated into the SUMMARY portion of this analysis and discussed in the comments.

This bill is sponsored by the California Department of Justice and Immigrant Defense Advocates. It is supported by a broad coalition of immigrants rights advocates, civil rights organizations, legal services providers, and labor unions.

SUMMARY: Establishes the Civil Detainees' Bill of Rights Act of 2026. Specifically, **this bill:**

- 1) Makes relevant findings and declarations on behalf of the Legislature regarding the state's interest in ensuring the rights of persons held in civil detention.
- 2) Grants all persons housed or detained for the purposes of civil immigration proceedings in California at any state, county, local, or private locked detention facility, including any county, local, or private locked detention facility in which an individual is housed or detained on behalf of, or pursuant to a contract with, United States Immigration and Customs Enforcement the legal rights and responsibilities guaranteed all other persons by the United States Constitution and federal law and the California Constitution and state law, unless specifically limited by federal or state law or regulation.
- 3) Specifically enumerates the following rights of all persons housed or detained for purposes of civil immigration proceedings in California at any state, county, local, or private locked detention facility, including any county, local, or private locked detention facility in which an individual is housed or detained on behalf of, or pursuant to a contract with, United States Immigration and Customs Enforcement:

- a) A right to dignity, privacy, and humane care, including prompt mental health, medical, and dental care and treatment services provided in ways that are least restrictive of the personal liberty of the individual.
 - b) A right to be free from harm, including unnecessary or excessive physical restraint, isolation, medication, abuse, or neglect.
 - c) A right to religious freedom and practice, physical exercise, and recreational opportunities.
 - d) A right to clean drinking water and functioning toilet and shower facilities in compliance with specified provisions of existing law.
 - e) A right to a clean and well-maintained facility and living quarters in compliance with specified provisions of existing law.
 - f) A right to food that is of good quality and selected, stored, prepared, and served in a safe and healthful manner and otherwise in compliance with specified provisions of existing law.
- 4) Requires an operator of a facility to ensure the rights of individuals housed or civilly detained in California, as provided under the provisions of this bill, are protected.
 - 5) Authorizes the Attorney General to bring a civil action for injunctive and other appropriate declaratory or equitable relief in the name of the people of the State of California in order to protect any right described above. Authorizes the Attorney General, in an action brought to remediate a violation of those rights, to also seek a civil penalty not to exceed \$2,500 for each violation.
 - 6) Requires an operator of a facility to provide the Attorney General or their designee all necessary access for the observations necessary to effectuate enforcement, including, but not limited to, access to detainees, patients, facilities, officials, personnel, and records.
 - 7) Includes an urgency clause.

EXISTING LAW:

- 1) Defines a “detention facility” as a facility in which persons are incarcerated or otherwise involuntarily confined for purposes of execution of a punitive sentence imposed by a court or detention pending a trial hearing or other judicial or administrative proceeding. Defines a “private detention facility” as a detention facility that is operated by a private, nongovernmental, for-profit entity pursuant to a contract or agreement with a governmental entity. Excludes various types of facilities from the definition of detention facility, including a facility providing specified health services, residential care facilities, and facilities used for quarantine. (Government Code Section 7320.)
- 2) Requires, until July 1, 2027, the AG to engage in reviews of county, local, or private locked detention facilities in which noncitizens are being housed or detained for purposes of civil immigration proceedings in California. Requires the review to include conditions of confinement and requires the Department of Justice (DOJ) to provide a written summary of

findings regarding the progress of these reviews and any relevant findings. (Government Code Section 12532.)

- 3) Licenses and regulates various types of health facilities by the Department of Public Health (DPH), including general acute care hospitals, acute psychiatric hospitals, and skilled nursing facilities. Requires every health facility for which a license or special permit has been issued by DPH, to be periodically inspected by DPH. (Health and Safety Code Section 1250 *et seq.*)
- 4) Authorizes county health officers to make investigations of a private detention facility, or other detention facility of the county as they determine necessary. Requires the county health officer to submit a report to the Board of State and Community Corrections, the sheriff or other person in charge of the detention facility and to the board of supervisors. (Health and Safety Code Section 101045 (a).)
- 5) Requires the county health officer or city health officer, whenever requested by the sheriff, the chief of police, local legislative body, or the Board of State and Community Corrections, but not more than twice annually, to investigate health and sanitary conditions in a jail or detention facility as described, and submit a report to each of the officers and agencies authorized to request the investigation and to the Board of State and Community Corrections. (Health and Safety Code Section 101045 (b).)
- 6) Requires the investigating officer to determine if the food, clothing, and bedding is of sufficient quantity and quality that at least shall equal minimum standards and requirements prescribed by the Board of State and Community Corrections for the feeding, clothing, and care of prisoners in local jails and detention facilities, and if the sanitation requirements required under existing law for restaurants have been maintained. (Health and Safety Code Section 101045 (c).)
- 7) Imposes standards for the routine cleaning of articles and surfaces such as furniture, floors, walls, ceilings, supply and exhaust grills and lighting fixtures for each hospital in the state. (California Code of Regulations Section 71631 of Title 22.)
- 8) Provides standards and guidelines for dietetic services for psychiatric health facilities in the state. (California Code of Regulations Section 77077 of Title 22.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: Every single person in detention, whether civil or criminal, is entitled to certain rights and protections while they are held by the state. The Supreme Court has long held that the government violates both the Due Process Clause and the Eighth Amendment when it fails to provide for a detainee's basic human needs "e.g., food, clothing, shelter, medical care, and reasonable safety." (*DeShaney v. Winnebago County Department of Social Services* (1989) 489 U.S. 189, 200.) Additionally, the Ninth Circuit has held that civil detainees may not be housed in punitive conditions, defined as conditions that are intended to punish, or where "it is 'excessive in relation to [its non-punitive] purpose.'" (*Jones v. Blanas* (2004) 393 F.3d 918, 932, internal citations omitted.) Detainees' First Amendment rights are likewise protected. The Religious Freedom Restoration Act (RFRA) and the Religious Land Use and Institutionalized Persons Act (RLUIPA) function in tandem to protect detained individuals' right to practice their religion while detained.

Until recently, civil detention was the lesser-known cousin of criminal detention; however, since implementation of the Trump administration's austere immigration policies have skyrocketed the numbers of immigrants in detention across the country, accounts of violations of these protections have spread. While the President and members of his administration have often claimed they are targeting immigrants with criminal records, their actions have reflected no such specificity. According to TRAC reports, as of April 4, 2026, there were 60,311 people in immigration detention, over 70% of which have no criminal conviction history. (TRAC Immigration, *Immigration Detention Quick Facts* available at:

<https://tracreports.org/immigration/quickfacts/>.) These numbers also reflect a significant increase as compared to those under the Biden administration. At the end of April 2023, one of the last years President Biden was in office, there were just under 25,000 individuals in immigration detention, less than half of the current number. (TRAC Immigration, *ICE Detainees* available at: https://tracreports.org/immigration/detentionstats/pop_agen_table.html.)

A summary of the California DOJ's latest findings regarding health and safety standards in private detention facilities. Conditions in private immigration detention facilities in the state are reportedly deplorable, as extensively detailed in the latest report from the California Department of Justice (CalDOJ or DOJ).

For its most recent report, the CalDOJ visited each of the seven detention centers in the state that were open at the time. The following facilities are operated by GEO Group, Inc: Adelanto ICE Processing Center, Desert View Annex, Golden State Annex, and Mesa Verde ICE Processing Facility. Two facilities are operated by CoreCivic: Otay Mesa Detention Center and California City Detention Facility, and the final facility, Imperial Regional Detention facility, is operated by Management & Training Corporation. In April of this year, GEO Group opened another facility in the Central Valley, bringing the total to eight facilities compared to six at the end of 2024. (Cal. Department of Justice, 2026 Immigration Detention in California: A Review of Conditions of Confinement (2026) available at: <https://oag.ca.gov/system/files/media/immigration-detention-2026.pdf?>.)

Six of the detention centers operating in California at the beginning of this year are bound by ICE's Performance-Based National Detention Standards (PBNDS), while one (Cal City) is bound by ICE's National Detention Standards (NDS). PBNDS applies to facilities that are exclusively used for immigration detention, while the NDS generally applies to facilities that are non-exclusive and may house both civil and noncivil detainees. Both sets require facilities to adhere to federal, state, and local law. (See generally *ICE Revises Its Standards for Some Detention Facilities*, American Immigration Council (December 2, 2019) available at: <https://www.americanimmigrationcouncil.org/blog/ice-updates-detention-standards/>, and Cal DOJ Report at p. 14.) Both the PBNDS and NDS set standards related to 1) food and water, 2) housing conditions, 3) access to and continuity of healthcare, 4) legal and family visitation, and 5) detainee safety, among others.

Of particular relevance, the PBNDS and NDS standards require detainees to have access to clean, potable drinking water at all times, and that detainees receive three meals per day. Both sets of standards also require all facilities to provide detainees requesting a religious diet an opportunity to observe their religious dietary practice. (Cal DOJ Report at p. 15.) As to housing conditions, both the PBNDS and NDS require facility cleanliness and sanitation to be maintained at all times. Facilities are required to ensure detainees receive proper clothing, with the NDS specifically requiring facilities to issue additional clothing as necessary for changing weather

conditions or as seasonally appropriate. (Cal DOJ Report at p. 15.) Pursuant to both the PBNDS and NDS, facilities are required to implement an orderly intake process for newly arrived detainees, including a medical screening with questions about acute or emergent medical conditions within 12 hours after arrival. The NDS requires that rooms holding detainees in the intake process be of appropriate size per detainee, and offer appropriate seating, ventilation, and access to water and facilities. (Cal DOJ Report at 16.) Finally, both standards require each facility to provide medically necessary and appropriate medical, dental and mental health care and pharmaceutical services, including emergency care, specialty health care, timely responses to medical complaints, and hospitalization as needed within the local community. (Cal DOJ Report at p. 17.)

In addition to noting the astounding increase in the number of detainees held in the state's private detention facilities as compared to their 2023 report, the DOJ focused on concerns relating to conditions of confinement and medical care and found that the detention facilities' consistent failure to meet applicable federal detention standards was "creating worsening conditions to the detriment of detainees' health and constitutional rights." (*Id.* at p. 5.)

Adelanto and Desert View. The report reflected severe concerns relating to conditions of confinement at Adelanto and Desert View, which function in tandem with one another. At Adelanto, the report noted detainees at Adelanto conveyed a lack of consistent medical, dental, and mental health care. (Cal DOJ Report at p. 32.) With regard to Adelanto, the report discussed the four detainee deaths that had occurred at the facility at the time of the reporting. Ismael Ayala-Urbe, who died on September 22, 2025 at 39 years old, passed away one month after being detained at Adelanto. According to an investigation by the LA Times, Mr. Ayala-Urbe told facility staff that he was feeling sick with a cough and fever two weeks after he arrived at Adelanto. He later died at a local hospital after being transferred for surgery for an abscess. Mr. Gabriel Garcia Aviles died on October 23, 2025 at 54 years old, about a week after arriving at Adelanto. While the government contends Mr. Garcia Aviles died of natural causes and alcohol withdrawal, Mr. Garcia Aviles' family contends he had been healthy prior to arriving at Adelanto. Mr. Garcia Aviles had been intubated and had blood on his forehead and lips, broken teeth, a cut on his tongue, and bruising on his body when his family saw him at the hospital before his passing. 48-year-old Alberto Gutierrez Reyes died on February 27, 2026 after submitting multiple requests for medical attention which his family claims were denied. ICE reports that Mr. Gutierrez Reyes had a fever and fainted before he was transferred to a hospital where he passed. 36-year-old Mr. Jose Guadalupe Ramos-Solano died on March 25, 2026. ICE reports that Mr. Ramos-Solano was discovered unconscious and that staff immediately initiated life-saving procedures before he was hospitalized. The DOJ received a report that at least one detainee overheard Mr. Ramos-Solano saying he was overheating and experiencing difficulty breathing, and that facility staff knew of Mr. Ramos-Solano's distress and prevented other detainees from assisting him. (*Id.* at p. 54.)

At Desert View Annex, the numbers of detainees skyrocketed from 52 in May 2025 to 1,054 in June 2025, just after ICE increased immigration enforcement efforts in and around Los Angeles. According to the report, "[t]he influx of detainees at Adelanto and Desert View in early June 2025 appears to have created a chaotic environment in which the facility failed to comply with PBNDS standards relating to intake. Detainees reported waiting days and even weeks before receiving a classification and housing assignment, and in many cases, not receiving a medical screening at all." (*Id.* at p. 39.)

In discussing the conditions of confinement at Desert View, the report noted the following:

[D]etainees who arrived at the beginning of June reported being required to sleep on the floor of a dining room for several days, without receiving a medical screening or receiving a housing unit assignment through the classification process and after spending the night shackled in a van. Other detainees reported that they were not provided blankets or pillows and had to use trash bags as blankets. [...] One detainee reported that, while detainees were awaiting the intake process in a dining area with no blankets or pillows, a detention officer pepper sprayed the detainees, filling a room which contained about 50 detainees. This detainee reported that the detainees were then moved to a housing unit, but still reported eye and skin irritation for days after the incident. While this incident is concerning on its own, it is especially noteworthy because GEO Group has been sued in the past for pepper spraying detainees as a control measure in enclosed areas at Adelanto. (*Id.* at p. 39 – 40.)

California City. The DOJ's 2026 report found that the California City detention center failed to meet several NDS standards relating to conditions of confinement. Detainees at Cal City reported that they are forced to drink water from a sink that is connected to a toilet while they are confined to their cells, and that the water has been brown at times, has tasted like chlorine or metal, and that they have experienced sore throats and skin reactions to the water. (Report at p. 152.)

Perhaps one of the most gut-wrenching accounts is the report's discussion of the harsh environment at Cal City:

Multiple detainees who signed up for interviews with Cal DOJ wept when describing the living conditions at the facility. They described insufferable conditions, specifically relating to cold temperatures and the lack of protective clothing. Detainees reported, and Cal DOJ staff noted during its tour, that the air conditioning is kept at an extremely low temperature in housing units, particularly in the female and segregation housing units. The temperature in California City on November 20, 2025, had a high of 55 [degrees] F and a low of 41 [degrees] F. The facility's central heating/AC system was not set to reflect these conditions, and Cal DOJ staff found the facility to be uncomfortably cold. Detainees reported receiving insufficient clothing and blankets to keep themselves warm. Detainees reported that long-sleeved items were not provided by the facility until just before the visit and detainees were required to purchase them from the commissary.

Indeed, detainees widely reported excessively cold temperatures in their units, and multiple detainees described that facility staff do not permit detainee adjustments to the space to reduce the flow of cold air. A detainee stated that if he tried to cover vents he would be reprimanded. Staff had reportedly removed paper from air-conditioning vents that detainees placed to protect themselves from the cold temperature. In one housing pod, elderly female detainees reportedly were modifying facility-issued socks to create scarves and sleeves for themselves to endure the low temperatures. [...] Many female detainees were in tears when describing these conditions and expressed incredulity and the willingness of the facility to expose elderly and infirm women to such conditions.

Such conditions flagrantly violate the relevant standards. NDS 1.1 requires Cal City to ensure 'appropriate temperatures, air and water quality, ventilation, lighting, noise levels, and detainee living space...' (Report at pp 154 – 155.)

This bill aims to address these concerns by enshrining the rights of civil immigration detainees in California, requiring facility operators to ensure detainees rights are protected, and authorizing civil action by the Attorney General against operators for failure to do so. According to the author:

California has both the obligation and the legal authority to protect the health, safety, and basic rights of people confined within its borders. This responsibility is especially important when individuals are held in locked civil detention facilities, where they are separated from their families and communities and must depend on facility operators for food, water, sanitation, medical care, mental health care, and protection from harm.

California law already recognizes that people involuntarily detained in civil detention settings retain fundamental rights, and are entitled to dignity, privacy, humane care, prompt medical and mental health treatment, religious freedom, physical exercise, recreation, and freedom from unnecessary restraint, isolation, abuse, or neglect. SB 942 builds on these existing protections and ensures that similarly situated people held in locked civil detention facilities, including individuals detained for purposes of civil immigration proceedings, are guaranteed the same basic rights.

Civil detention is not criminal punishment. People held in civil immigration detention are detained for civil proceedings, not because they have been sentenced to incarceration. Yet in California, individuals detained for civil immigration purposes have repeatedly been subjected to dangerous and degrading conditions, including inadequate medical and mental health care, unsanitary living quarters, poor food quality, insufficient access to clean drinking water and functioning toilets and showers, and have faced abuse, neglect, and preventable harm.

The urgency of this legislation cannot be overstated. Recent data confirms that the past year was the deadliest for U.S. Immigration and Customs Enforcement in more than two decades, with thirty-two confirmed deaths in custody. In California, the problem is particularly acute because immigration detention facilities are privately operated facilities that function as for-profit businesses within our state. These facilities have been the subject of repeated complaints documenting medical neglect, unsafe and unsanitary conditions, inadequate food and water, misuse of isolation, and failures to protect detained people from harm.

While these facilities operate under federal contracts, these contracts have not resulted in safe or humane conditions. Federal oversight has repeatedly failed to secure timely and meaningful remediation. California cannot ignore dangerous conditions simply because a facility operates pursuant to a federal contract. When a locked civil detention facility operates in California, the state has a responsibility to ensure that the people confined there are treated with dignity and protected from abuse, neglect, and unsafe conditions.

SB 942 establishes a Civil Detainees' Bill of Rights to close this gap. The bill reaffirms that all people held in locked civil detention facilities in California are entitled to basic protections, including the right to dignity, privacy, humane care, prompt mental health, medical, and dental care, religious freedom, physical exercise, recreation, clean drinking water, functioning toilet and shower facilities, clean and well-maintained living quarters, safe and healthful food, and freedom from unnecessary or excessive restraint, isolation, medication, abuse, or neglect.

To ensure these rights are meaningful, SB 942 authorizes the California Attorney General to bring civil actions to protect the rights of people held in civil detention. The bill allows the Attorney General to seek injunctive, declaratory, and equitable relief, as well as civil penalties where appropriate, to remedy violations and prevent future harm. This enforcement authority ensures that basic rights are not merely aspirational, but enforceable when facility operators fail to meet their obligations.

SB 942 does not regulate immigration status, removal proceedings, detention eligibility, or federal custody decisions. It regulates the conditions under which people are confined in civil detention facilities operating within California. The bill reflects a simple and necessary principle: no person held in civil detention in California should be subjected to unsafe, unsanitary, abusive, or inhumane conditions.

Private corporations and facility operators should not be allowed to evade basic standards of care simply because the people in their custody are civil detainees. SB 942 brings these facilities into alignment with California's longstanding commitment to dignity, accountability, health, and safety for all.

This bill enumerates the rights owed to every individual detained for civil immigration proceedings, and requires operators of facilities to ensure the rights of individuals are protected. The bill states that all persons housed or detained for purposes of civil immigration proceedings in California at any state, county, local, or private locked detention facility, including any facility in which someone is detained on behalf of, or pursuant to a contract with, United States Immigration and Customs Enforcement, have the legal rights and responsibilities guaranteed all other persons by the federal and state constitutions and state law, unless otherwise specifically stated. The bill specifies that detainees have the right to dignity, privacy, and humane care, including prompt mental health, medical, and dental treatment; a right to be free from harm; a right to religious freedom and practice, physical exercise, and recreational opportunities; a right to clean drinking water and functioning toilet and shower; a right to a clean and well-maintained facility and living quarters; and a right to food that is of good quality and selected, stored, prepared, and served in a safe and healthful manner.

In order to promote compliance with its provisions, the bill authorizes the Attorney General to bring a civil action for injunctive and declaratory relief, and recovery of a civil penalty up to \$2,500 per violation.

The bill also adopts an urgency clause and would go into effect immediately upon signing by the Governor.

Preemption concerns. The federal government retains exclusive jurisdiction over immigration law and policy, a reality which imposes challenging restrictions on states' efforts to enact legislation intended to respond to federal immigration actions. For at least the past decade, the California Legislature has tested the boundaries of the constitutional limitation to protect Californians to the greatest extent possible.

Briefly, the doctrine of intergovernmental immunity, derived from the Supremacy Clause of the Constitution, has been interpreted to provide limits on the extent to which the state and federal governments can encroach on each other's sovereignty. Since 1819, the Supreme Court has held that states cannot tax the federal government. (*McCulloch v. Maryland* (1819) 17 U.S. 316.) The

Supreme Court has further interpreted the Supremacy Clause to, in part, prohibit the states from “interfering with or controlling the operations of the Federal Government” but a law that indirectly imposes a cost on the federal government may be constitutional “so long as the law imposes those costs in a neutral, nondiscriminatory way.” (*United States v. Washington* (2022) 596 U.S. 832, 838 – 839.) A statute that discriminates against the federal government (or its proxies) functions under the scope of obstacle preemption, which holds a state statute preempted by federal law and therefore invalid, if it “stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.” (*United States v. California* (2019) 921 F.3d 865, 879 (internal citations omitted).)

In 2019, the Trump Administration challenged the statute that directs the AG to conduct the reports discussed above. In addition to requiring a report, that statute requires the AG to include in its review 1) a review of the conditions of confinement, 2) a review of the standard of care and due process provided to the individuals detained, and 3) a review of the circumstances around their apprehension and transfer to the facility. On appeal before the Ninth Circuit, the administration argued that AB 103 violated the doctrine of intergovernmental immunity by impermissibly burdening the federal government. The Ninth Circuit agreed in part that “provisions that impose an additional economic burden exclusively on the federal government are invalid under the doctrine of intergovernmental immunity.” (*United States v. California* (2019) 921 F. 3d 865, 884.) The circuit court ultimately determined that the provision of AB 103 requiring the AG to conduct a “review of the circumstances around [detainees] apprehension and transfer to the facility” imposed an unconstitutional burden on the federal government because, unlike the other two requirements, “[t]his [was] a novel requirement, apparently distinct from any other inspection requirements imposed by California law.” (*Id.* at 885.) As a result, the subdivision requiring the AG to review the circumstances around detainees’ apprehension and transfer to the facility was preempted, but the remaining provisions were left intact.

In 2019, the Legislature enacted AB 32 (Bonta) Chap. 739, Stats. 2019, which prohibited privately owned detention facilities from operating in the state. Although the language captured *any* private detention facility, including private prisons, it functionally undermined the ability of the federal government to detain and house immigrants in California due to its outsized reliance on private detention facilities. The Trump Administration challenged the new statute and on review before the Ninth Circuit, the court held that the statute likely violated the Supremacy Clause of the United States Constitution. (*Geo Group, Inc. v. Newsom* (2022) 50 F4th 745.)

In the case of AB 32, the Ninth Circuit acknowledged a distinction between federal contractors and federal instrumentalities, stating “Federal contractors are not federal instrumentalities. [...] Absent federal law to the contrary, the Supremacy Clause therefore leaves considerable room for states to enforce their generally applicable laws against federal contractors.” (*Geo Group, Inc.* at p. 755.) Whether AB 32 *dictated* the actions of the federal government then came down to whether the challenged statute interfered with or controlled the operations of the federal government by deciding who got federal work. The Ninth Circuit ultimately determined that “AB 32 would give California the power to control ICE’s immigration detention operations in the state by preventing ICE from hiring the personnel of its choice. [...] To comply with California law, ICE would have to cease its ongoing immigration detention operations in California and adopt an entirely new approach in the state.” (*Id.* at 757 – 758.) Under the court’s logic, by banning private detention centers in California, the state was functionally controlling who the federal government could contract with to carry out immigration detention operations. However, citing to a prior decision by the Ninth Circuit upholding the California Values Act, the

court in *Geo Grp* likewise recognized that “a state’s historic police powers include ‘ensur[ing] the health and welfare of inmates and detainees in facilities within its borders.’” (*Id.* at p. 762, internal citations omitted.)

Most recently, in *Geo Grp. Inc. v. Inslee* (2025) 151 F4th 1107, the Ninth Circuit upheld a set of Washington statutes that were similar to the current measure. In 2023 and 2025, Washington enacted HB 1470 and HB 1232. Together, the new statutes imposed a regulatory oversight framework of the state’s private detention facilities, of which there is only one. Washington law now requires the state’s department of health to “adopt rules as may be necessary to... ensure private detention facilities comply with measurable standards providing sanitary, hygienic, and safe conditions for detained persons.” (Washington Revised Code Section 70.395.040(1).) The same statute also authorizes the state’s attorney general to enforce against violations. (*Id.* at (2).) Third, the statute required the department to conduct routine, unannounced inspections of the private detention facilities and investigate complaints received related to any private detention facility in the state. (Washington Revised Code Section 70.395.050 (2)(a)(- (2)b).) The attorney general is also authorized to enforce these provisions, and also makes anyone who violates the requirements subject to a civil penalty and a civil fine. (Washington Revised Code Section 70.395.080 (1).)

GEO Group filed suit arguing that the statutory scheme was invalid under the doctrine of intergovernmental immunity and preempted. (*GEO Grp., Inc. v. Inslee* (2025) 151 F4th 1107, 1116.) In reaching its ultimate conclusion, the court reasoned that the Washington statute addresses an issue of health and safety within the state’s police powers; does not impose a cost or tax directly on the federal government but rather on a federal contractor; and does not ultimately increase the cost on the federal government because the cost is borne by the contractor themselves. (*Id.* at pp. 1117 – 1118.) The court ultimately remanded the question of whether the statute discriminated against the federal government via an imposition of the statute’s new regulations on a single federally contracted private detention facility (*Id.* at 1122.) Finally, the Ninth Circuit held that the Washington statute did not suffer from either field or obstacle preemption, recognizing that states generally maintained authority to ensure the health and safety of people within their borders, an authority that Congress has not demonstrated any intent to supersede; and that nothing in the Washington statute frustrated the federal government’s ability to detain people at private detention facility. (*Id.* at pp. 1123 – 1124.)

While no committee analysis can predict how a court may ultimately answer a question of a proposed statute’s constitutional strength or infirmity, there are a couple notable points to consider. First, SB 942 applies equally to all immigration detention facilities, regardless of whether they are private or government-run. Although California does not have any state-contracted immigration detention centers, should such a facility arise in the future, this bill’s provisions would likewise apply to that institution thereby imposing the same regulation on the state and federal governments. Second, the bill does not seek to impose any new standards or requirements on detention facility operators. The rights enumerated in proposed Civil Code Section 53.9 are elements already assured to all detainees in California through the federal Constitution, case law, statute, and regulation. Presumably, operators are *already* required to ensure elements such as access to clean drinking water and a right to religious freedom. Second, SB 942 does not suggest any limitation on who the federal government may contract with to manage the state’s civil detention facilities. Finally, as already mentioned, the proposed penalty would not fall on the federal government but rather an operator who fails to comply with their obligations to ensure detainees’ rights while under their care. As discussed by the Ninth Circuit

in *Geo Group v. Newsom*, the state has latitude to regulate federal contractors in a neutral way that does not ultimately dictate federal actions. It seems unlikely that the court would find a statute that arguably imposes a penalty for an operator's failure to adhere to the federal government's own requirements impermissibly burdens the federal government. Therefore, it seems plausible that a court would lean towards following the precedent set in *Inslee* should this bill face legal challenge.

ARGUMENTS IN SUPPORT: This bill is sponsored by the California Department of Justice and Immigrant Defense Advocates. It is supported by a broad coalition of immigrant rights advocates, civil rights organizations, legal services providers, and labor unions. In support of the measure Immigrant Defense Advocates submits:

This bill responds to a simple but urgent principle: civil detention must not mean the loss of basic human rights. People held in immigration detention are not serving criminal sentences. They are confined for civil immigration proceedings, often while pursuing asylum, relief from removal, or other legal claims. Yet across California and nationwide, people in immigration detention have too often faced dangerous conditions, inadequate medical and mental health care, poor sanitation, excessive isolation, neglect, and systems that fail to prevent harm until after a crisis has occurred.

SB 942 establishes a clear, statutory baseline for humane treatment. The bill affirms that civil immigration detainees have the right to dignity, privacy, and humane care, including prompt mental health, medical, and dental care provided in the least restrictive manner consistent with their liberty interests. It further recognizes the right to be free from harm, including unnecessary or excessive physical restraint, isolation, medication, abuse, or neglect. These protections are not extraordinary. They are the minimum standards that should apply whenever the state permits a person to be confined within California's borders.

The bill also addresses the everyday conditions that determine whether detention is safe or degrading. SB 942 recognizes the right to religious freedom and practice, physical exercise, and recreational opportunities. It recognizes the right to clean drinking water and functioning toilet and shower facilities, clean and well-maintained living quarters, and food that is good quality, safely selected, stored, prepared, and served in a healthful manner. These basic standards go to the heart of public health, human dignity, and California's responsibility to ensure that confinement within the state is not abusive, neglectful, or punitive.

California's own oversight work has already documented serious and recurring problems inside immigration detention facilities, including deficiencies in health care recordkeeping, continuity of care, discharge planning, and internal quality assurance. These failures are not technical paperwork issues. They directly affect whether a detained person receives medication on time, whether mental health needs are identified, whether medical conditions are tracked, and whether preventable harm is addressed before it becomes an emergency.

Recent events further underscore the need for clear statutory protections. In early 2026, serious concerns were raised regarding conditions and medical care at the California City detention facility, and federal court intervention was required to impose significant remedial measures. Court orders and after-the-fact investigations are important, but they are not a substitute for clear rights that apply before neglect becomes catastrophic.

SB 942 is especially important because immigration detention operates through a fragmented system of federal contracts, private operators, and local or state facilities. Without a clear statewide baseline, the rights of detained people can become dependent on the facility where they are placed, the operator managing the site, or the contract under which the person is held. SB 942 rejects that inconsistency. A person's right to humane care, clean water, safe food, medical attention, freedom from abuse, and basic dignity should not depend on the administrative label attached to the facility.

This bill aligns California law with the basic principle that civil confinement should be nonpunitive, humane, and consistent with constitutional and statutory protections. It also provides a clear statement of California's values at a time when detention is expanding and oversight mechanisms have too often proven inadequate.

SB 942 is a necessary step to protect the health, safety, dignity, and humanity of people detained in civil immigration proceedings in California. It strengthens accountability, clarifies rights, and helps ensure that no person confined within our state is denied the basic conditions of humane care.

REGISTERED SUPPORT / OPPOSITION:

Support

California Department of Justice (co-sponsor)
Immigrant Defense Advocates (co-sponsor)
Acacia Center for Justice
Alianza Sacramento
California Collaborative for Immigrant Justice
California Families Against Solitary Confinement (CFASC)
California Rural Legal Assistance Foundation (CRLA Foundation)
Center for Gender and Refugee Studies-California
CFT – a Union of Educators & Classified Professionals, AFT, AFL-CIO
County of Santa Clara
Courage California
Dignity Not Detention Coalition
Disability Rights California
Episcopal Diocese of San Joaquin
Freedom for Immigrants
Friends Committee on Legislation of California
Health in Partnership
Indivisible CA: Statestrong
LA Cosecha
LA Raza Community Resource Center
Mission Action
Oasis Legal Services
Orale: Organizing Rooted in Abolition Liberation and Empowerment
Orange County Rapid Response Network
Pangea Legal Services
Public Counsel
Ro

Santa Barbara County Immigrant Legal Defense Center
Secure Justice
Souls Offering Loving and Compassionate Ears Solace
Southeast Asia Resource Action Center (SEARAC)
Southern California Human Rights Center
Transitions Clinic Network
USC Gould School of Law Immigration Clinic
Worksafe

Opposition

None on file

Analysis Prepared by: Manuela Boucher-de la Cadena / JUD. / (916) 319-2334