

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 942 (Caballero) – As Amended July 2, 2026

Policy Committee: Judiciary

Vote: 9 - 3

Urgency: Yes

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill, an urgency measure, establishes the Civil Detainees' Bill of Rights Act of 2026, enumerating the rights of persons detained for purposes of civil immigration proceedings at any state, county, local, or private locked detention facility in California, requiring facility operators to ensure those rights are protected, and authorizing the Attorney General to bring civil actions to enforce those rights.

Specifically, this bill:

- 1) Provides 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 an individual is detained on behalf of, or pursuant to a contract with, United States Immigration and Customs Enforcement (ICE), have the legal rights and responsibilities guaranteed to all other persons by the federal and state constitutions and federal and state law, unless specifically limited.
- 2) Enumerates specific rights of those persons, including a right to dignity, privacy, and humane care, including prompt mental health, medical, and dental care provided in ways least restrictive of personal liberty; a right to be free from harm, including unnecessary or excessive physical restraint, isolation, medication, abuse, or neglect; a right to religious freedom and practice, physical exercise, and recreational opportunities; and rights to clean drinking water, functioning toilet and shower facilities, clean and well-maintained living quarters, and safe and healthful food, in compliance with specified existing law.
- 3) Requires the operator of a facility to ensure the rights of individuals housed or civilly detained are protected.
- 4) 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 to protect any enumerated right, and, in an action to remediate a violation, to seek a civil penalty not to exceed \$2,500 for each violation.
- 5) Requires a facility operator to provide the Attorney General or their designee all necessary access to effectuate enforcement, including access to detainees, patients, facilities, officials, personnel, and records.

FISCAL EFFECT:

- 1) Costs to the Department of Justice (DOJ) of an unknown amount, ranging from minor to significant (General Fund), to monitor facility conditions and pursue enforcement, partially offset by minor civil penalty revenue. DOJ currently reviews facilities housing civil immigration detainees under Government Code Section 12532 at a reported cost of at least \$1 million annually; that authority sunsets July 1, 2027. Legislation pending in this committee, SB 1399 (Durazo), would remove the sunset, and DOJ anticipates using the same resources to carry out both its Section 12532 reviews and this bill's monitoring obligations. If the sunset is instead allowed to take effect, DOJ would need to establish monitoring capacity dedicated to this bill, and implementation costs would likely be significant. Actual enforcement costs will additionally depend on whether the Attorney General pursues enforcement actions against any of the eight civil immigration detention facilities currently operating in California and the scope of any resulting litigation.
- 2) Potential court cost pressures of an unknown, but likely minor, amount (Trial Court Trust Fund (TCTF), General Fund) to adjudicate civil enforcement actions brought by the Attorney General. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the TCTF may create a demand for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the TCTF to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.

COMMENTS:

- 1) **Purpose.** 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. . . SB 942 establishes a Civil Detainees' Bill of Rights to close this gap. . . . 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.

- 2) **Background.** Immigration detention is civil, not criminal, in nature, and while all detainees are constitutionally entitled to basic human needs including food, shelter, medical care, and reasonable safety, the Ninth Circuit has held that civil detainees may not be held in punitive conditions — those intended to punish or excessive in relation to a nonpunitive purpose. As of April 2026, more than 60,000 people were held in immigration detention nationally, over 70% of whom have no criminal conviction history — more than double the population in April 2023. Eight privately operated civil immigration detention facilities currently operate in California under ICE contracts, run by GEO Group, CoreCivic, and Management & Training Corporation. DOJ's 2026 conditions-of-confinement report, prepared under the review authority of Government Code Section 12532 (AB 103(Committee on Budget), Chapter 17, Statutes of 2017), found consistent failures to meet the applicable federal detention standards, including four detainee deaths at the Adelanto facility since September 2025, intake failures at the Desert View Annex after the facility's population grew from 52 to more than 1,000 in a single month, and unsafe drinking water and excessively cold conditions at the California City facility. The rights enumerated by this bill track protections already applicable to detainees under the federal and state constitutions, federal detention standards, and existing

state law; the bill's principal change is state-level enforceability through the Attorney General. DOJ's Section 12532 review authority sunsets July 1, 2027. Because the bill regulates facilities operating under federal contracts, litigation under the Supremacy Clause is likely. The Ninth Circuit has invalidated California statutes that imposed burdens exclusively on the federal government or effectively controlled federal contracting choices (*United States v. California* (2019) 921 F.3d 865 (AB 103's apprehension-review provision); *GEO Group, Inc. v. Newsom* (2022) 50 F.4th 745 (AB 32 (Bonta), Chapter 739, Statutes of 2019's private detention ban)), but recently upheld a Washington oversight scheme similar to this bill, reasoning that health and safety regulation of a federal contractor, with costs borne by the contractor rather than the federal government, falls within the state's police powers (*GEO Group, Inc. v. Inslee* (2025) 151 F.4th 1107). The Assembly Judiciary Committee analysis observes that this bill applies equally to all civil immigration detention facilities regardless of operator, imposes no new substantive standards beyond those already required, and places penalties on operators rather than the federal government — features that align the bill with the framework upheld in *Inslee*. To the extent this bill is challenged, defense costs would fall to DOJ.

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