

SENATE THIRD READING

SB 942 (Caballero)

As Amended July 2, 2026

2/3 vote. Urgency

SUMMARY

Establishes the Civil Detainees' Bill of Rights Act of 2026.

Major Provisions

- 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.

COMMENTS

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.

According to the Author

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.

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:

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.

[...]

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.

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 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.

VOTES

SENATE FLOOR: 38-0-2

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Durazo, Grayson, Grove, Hurtado, Jones, 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: Dahle, Gonzalez

ASM JUDICIARY: 9-3-0

YES: Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Macedo, Dixon, Sanchez

ASM APPROPRIATIONS: 11-3-1

YES: Wicks, Arambula, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

NO: Dixon, Ta, Tangipa

ABS, ABST OR NV: Hoover

UPDATED

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CONSULTANT: Manuela Boucher / JUD. / (916) 319-2334

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